

**IMPROVING THE QUALITY AND  
EFFICIENCY OF COMMODITY  
DISTRIBUTION TO FEDERAL  
CHILD NUTRITION PROGRAMS**

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**HEARING**

BEFORE THE

COMMITTEE ON EDUCATION  
AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

October 7, 2003

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**IMPROVING THE QUALITY AND EFFICIENCY  
OF COMMODITY DISTRIBUTION TO  
FEDERAL CHILD NUTRITION PROGRAMS**

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**Tuesday, October 7, 2003  
U.S. House of Representatives  
Committee on Education and the Workforce  
Washington, DC**

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The Committee met, pursuant to call, at 2 p.m., in room 2175, Rayburn House Office Building, Hon. John A. Boehner (Chairman of the Committee) presiding.

Present: Representatives Boehner, Petri, McKeon, Norwood, Biggert, Tiberi, Keller, Osborne, Wilson, Kline, Carter, Kildee, Payne, Holt, McCollum, Grijalva, and Majette.

Staff Present: Julian Baer, Legislative Assistant; Kevin Frank, Professional Staff Member; Parker Hamilton, Communications Coordinator; Kate Houston, Professional Staff Member; Sally Lovejoy, Director of Education and Human Resources Policy; Stephanie Milburn, Professional Staff Member; Deborah L. Samantar, Committee Clerk/Intern Coordinator; Denise Forte, Minority Legislative Associate/Education; Alex Nock, Minority Legislative Associate/Education; Joe Novotny, Minority Legislative Assistant/Education; and Lynda Theil, Minority Legislative Associate/Education.

Chairman BOEHNER. A quorum being present, the Committee on Education and the Workforce will come to order.

We are meeting today to hear testimony on Improving the Quality and Efficiency of Commodity Distribution to the Federal Child Nutrition Programs.

Under Committee rules, opening statements are limited to the Chairman and Ranking Minority Member of the Committee. Therefore, if other members have statements, they may be included in the hearing record. And with that, I ask unanimous consent for the hearing record to remain open for 14 days to allow members' statements and other extraneous material referenced during today's hearing to be submitted in the official hearing record. Without objection, so ordered.

**STATEMENT OF HON. JOHN BOEHNER, CHAIRMAN,  
COMMITTEE ON EDUCATION AND THE WORKFORCE**

Good afternoon. Let me thank all of you for coming today, especially those of you who will serve on your panels today. This is an important hearing on Improving the Quality and Efficiency of the

Commodity Distribution Program to the Federal Child Nutrition Programs. These programs are central to providing the Nation's needy children with access to safe, affordable, and nutritious food.

This marks the first Full Committee hearing to help prepare members of this Committee for the upcoming reauthorization of the Child Nutrition Act and the Richard B. Russell National School Lunch Act. There is general agreement on the importance of good nutrition for everyone, especially growing children. And while parents obviously bear the first responsibility for ensuring their children eat well and exercise regularly, programs authorized under the Child Nutrition Act and the National School Lunch Act play a positive role as well, helping to provide disadvantaged children with access to nutritious meals and snacks.

Programs such as the National School Lunch and Breakfast Programs, WIC, the Summer Food Service Program, and the Child and Adult Care Food Program are helping many of these children achieve full physical development and success in school. The Federal child nutrition programs were conceived to offer wholesome meals and snacks to children in need and to support the health of lower-income pregnant women, breastfeeding mothers, and their young children.

These programs represent a huge national investment totaling more than \$12 billion per year. And while these programs have been generally heralded as successful, this Committee is seeking new ways to improve access to safe, healthy, and affordable meals and to better serve all program participants.

Today's hearing will focus on a critical component of many Federally funded child nutrition programs: commodity distribution. The U.S. Department of Agriculture provides commodity support for the School Lunch Program, the Child and Adult Care Food Program, and the Summer Food Service Program as well.

Last year, the United States Department of Agriculture provided commodities to these programs valued at more than \$700 million. The Department of Agriculture has two major objectives in its mission to provide food products to schools. One objective is to purchase products as part of the Department's price support and surplus removal program. The second is to provide schools with high-quality nutritious foods so that children have access to meals that are both healthful and appealing.

Now, these objectives are frequently at odds, which poses an ongoing challenge for the Department. And because the Department is charged with stabilizing agricultural markets and children's preferences, food quality and nutrition must frequently compete with economic factors when the Department decides which commodities to purchase and supply.

In 1999 the USDA undertook a broad evaluation of its commodity procurement and distribution systems to improve food distribution to schools and other beneficiaries. The Department's ultimate goal was to better serve producers and consumers by improving both the efficiency of the distribution process and the quality of the foods delivered.

USDA convened a blue ribbon panel, Food Distribution 2000, which included representatives from industry, schools, and State commodity distribution agencies as well. The result was a report

that made many valuable recommendations for improving USDA's food distribution systems. Since that time the Department has created a number of pilot programs and other initiatives to improve upon the current system. However, additional efforts are needed and several recommendations have yet to be implemented.

Last month I sent a letter to Agriculture Secretary Ann Veneman requesting information about the Department's efforts to implement the recommendations of the Food Distribution 2000 panel. I look forward to working with the Secretary, Under Secretary for Food and Nutrition, Eric Bost, Ag Marketing Services Administrator, A. J. Yates, and our partners in the food industry and school food service providers to continue the good work that has been started to make meaningful reforms in the commodity distribution system.

Today we will hear from experts who will help us shed light on the commodity distribution to child nutrition programs, what works well, what needs improvement. Several of today's witnesses will tell us about progress made by the Department to act upon the recommendations of the Food Distribution 2000 report and how Congress can help.

I am certain all of our witnesses today will offer unique perspectives on child nutrition and program operations that will be helpful to the Members of this Committee as we work to improve these programs, and we look forward to all of your comments.

Now, I would yield to our Ranking Member today, my good friend from the State of Michigan, Mr. Kildee.

[The prepared statement of Chairman Boehner follows:]

**Statement of the Honorable John A. Boehner, Chairman, Committee on Education and the Workforce**

Good Afternoon. Thank you for joining us today for this important hearing on improving the quality and efficiency of commodity distribution to federal child nutrition programs. These programs are central to providing the nation's needy children with access to safe, affordable, and nutritious food. This marks the first Full Committee hearing to help prepare Members of this Committee for the upcoming reauthorization of the Child Nutrition Act and the Richard B. Russell National School Lunch Act.

There is general agreement on the importance of good nutrition for everyone, especially growing children. While parents obviously bear first responsibility for ensuring their children eat well and exercise regularly, programs authorized under the Child Nutrition Act and National School Lunch Act play a positive role as well, helping to provide disadvantaged children access to nutritious meals and snacks. Programs such as the National School Lunch and Breakfast Programs, WIC, the Summer Food Service Program, and the Child and Adult Care Food Program are helping many of these children achieve full physical development and success in school.

The federal child nutrition programs were conceived to offer wholesome meals and snacks to children in need, and to support the health of lower-income pregnant women, breastfeeding mothers, and their young children. These programs represent a huge national investment totaling more than \$15 billion per year. While these programs have been generally heralded as successful, this Committee is seeking new ways to improve access to safe, healthy, and affordable meals and to better serve all program participants.

Today's hearing will focus on a critical component of many federally-funded child nutrition programs—commodity distribution. The U.S. Department of Agriculture provides commodity support for the National School Lunch, the Child and Adult Care Food, and the Summer Food Service program. Last year, the United States Department of Agriculture provided commodities to these programs valued at more than \$700 million.

The Department of Agriculture has two major objectives in its mission to provide food products to schools. One objective is to purchase products as part of the Department's price-support and surplus-removal programs. The second is to provide schools with high quality, nutritious foods so that children have access to meals that are both healthful and appealing. These objectives are frequently at odds, which poses an ongoing challenge for the Department. Because the Department is charged with stabilizing agriculture markets, children's preferences, food quality and nutrition must frequently compete with economic factors when the Department decides which commodities to purchase and supply.

In 1999, USDA undertook a broad evaluation of its commodity procurement and distribution systems to improve food distribution to schools and other beneficiaries. The Department's ultimate goal was to better serve producers and consumers by improving both the efficiency of the distribution process and the quality of foods delivered. USDA convened a blue ribbon panel, Food Distribution 2000, which included representatives from industry, schools, and State commodity distribution agencies. The result was a report that made many valuable recommendations for improving USDA's food distribution system.

Since that time, the Department has created a number of pilot programs and other initiatives to improve upon the current system. However, additional efforts are needed and several recommendations have yet to be implemented. Last month, I sent a letter to Agriculture Secretary Ann Veneman requesting information about the Department's efforts to implement the recommendations of the Food Distribution 2000 panel. I look forward to working with Secretary Veneman, Under Secretary for Food and Nutrition, Eric Bost, Agriculture Marketing Service Administrator, A.J. Yates, our partners in the food industry, and school food service providers to continue the good work that has been started in making meaningful reforms to the commodity distribution system.

Today, we will hear from experts who will help shed light on commodity distribution to child nutrition programs—what works well and what needs improvement. Several of today's witnesses will tell us about progress made by the Department to act upon the recommendations of the Food Distribution 2000 report and how Congress can help. I am certain all of today's witnesses will offer unique perspectives on child nutrition and program operations that will be tremendously helpful to the Members of this Committee as we work to improve these programs. We look forward to their comments.

With that, I would like to recognize the Committee's distinguished Ranking Member, Mr. Miller.

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**STATEMENT OF HON. DALE KILDEE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF MICHIGAN**

Mr. KILDEE. Thank you, Mr. Chairman. Thank you very much for having this very important hearing. I have been involved with child nutrition since about 1954, when I became a teacher. I see people are there in the background that I have known since I have been here in Congress, 27 years. It is certainly a very, very important program.

Some people forget that the program really began after World War II when it was discovered that many people entering the military in the draft at that time were physically unable to enter the military because of poor nutrition. Of course, many of them had grown up during the 1930's, when we had the Great Depression. So it really became apparent to the Federal Government, Franklin Roosevelt, and before him, Harry Truman, that nutrition was very, very important for the long-term health of young people and for the long-term health of this Nation.

I have been through every permutation that this program has gone under, cash in lieu of commodities, everything, every permutation of that. But generally speaking, the Federal Government has kept its commitment. There are times when we had some problems with trying to call ketchup a vegetable and things like that, which we do muse about from time to time. But generally, all of



the Administrations have been aware of the fact that this is a very, very important program.

One of the programs I visited recently in my district—Congress established a vegetable pilot program in four different States and one Indian reservation. That was very important. One of the States happened to be Ohio, the other was Michigan. I am not sure how we got in there. But I visited the program in Linden, Michigan and was very, very much impressed.

I know we always have to go through changes and new ideas. But this program is really one of the great programs, and I would hope that that pilot program would be expanded and that the Department look at that. When Secretary Veneman announced the award of that \$6 million, and that Michigan was one of those, I was determined to go out and visit the programs. You have done a very, very good job in that program and I commend you for it.

When I taught school, we had no such thing as a formal breakfast program for students. As a matter of fact, there was a great deal of controversy when the breakfast programs started, the idea that that might weaken the family. But the breakfast program has been very, very important.

Having taught school, I could recognize the students who arrived at school not having had breakfast and how that did affect their learning. I started the first breakfast program for one student, at—you have heard me tell that story many times—at Flint Central High School. I had noted that every day in my homeroom, someone's lunch was being stolen. Very often students packed their lunch and brought it to school. It was being stolen. And I was raised in a family where stealing was a very, very—

Chairman BOEHNER. Mr. Kildee, nobody attempted to ever steal my lunch.

Mr. KILDEE. Very good. Well, you probably kept a very watchful eye on it.

Chairman BOEHNER. I would have gladly given it to them.

Mr. KILDEE. It was the quality then, right?

But I finally caught the young man who was stealing the lunch. And stealing was not only considered a very serious crime in my family, but a sin. So I was going to turn him into the principal who would have suspended him for several weeks. But I found out that his mother was in no position to get him a breakfast in the morning. And whenever he got to school, his first task was to find something to eat.

But then he said to me, he said, Mr. Kildee, I never steal the same lunch from the same person in the same week. And I figured, this kid has ethics. So I took him down to the cafeteria where we had no breakfast program, and said to Mrs. Pelkey, who was in charge of the cafeteria, "Mrs. Pelkey, Robert will be coming down here every morning for breakfast, and you get him something for breakfast and then send me a bill." Well, he got breakfast for 3 years, and I never got a bill. But since then, of course, we have established breakfast programs in many schools.

So I look forward to your hearing today. You are involved in something so important. Nutrition is so important. And the Federal Government has a great responsibility in this area. I look forward to your testimony. Thank you, Mr. Chairman.

Chairman BOEHNER. Thank you, Mr. Kildee.

I want to introduce our first panel of witnesses today. Our first witness will be the Honorable Eric M. Bost, who is the Department of Agriculture's Under Secretary for Food, Nutrition, and Consumer Services. As Under Secretary, he is responsible for the administration of the Department's 15 nutrition assistance programs, including the Food Stamp Program, the National School Lunch Program, the School Breakfast Programs, and WIC. Before his appointment, Mr. Bost served as Commissioner and Chief Executive Officer of the Texas Department of Human Services.

Our next witness will be Mr. A. J. Yates, who is the current administrator of USDA's Agriculture Marketing Service. Mr. Yates oversees more than 50 programs designed to maintain a stable marketing environment for the benefit of America's farmers, ranchers and consumers. Prior to his appointment, he served as both the Deputy Secretary and the Under Secretary for the California Department of Food and Agriculture. He has been actively involved in providing leadership to a variety of organizations supporting agriculture and education.

For those of you that may not be aware, in addition to chairing this Committee, I am also the Vice Chairman of the House Committee on Agriculture. So I am glad to have both of these gentlemen here.

Mr. Bost, with that you may begin your testimony.

**STATEMENT OF ERIC M. BOST, UNDER SECRETARY, FOOD, NUTRITION, AND CONSUMER SERVICES, U.S. DEPARTMENT OF AGRICULTURE**

Mr. BOST. Good afternoon, and thank you so very much, Mr. Chairman and members of the Committee. I am Eric Bost, the Under Secretary for Food, Nutrition, and Consumer Services at the United States Department of Agriculture. I appreciate this opportunity to review the Department's Commodity Nutrition Assistance Program and consider how this vital program can be enhanced as it relates to the National School Lunch Program.

As you know, the Child Nutrition reauthorization process gives the Administration and Congress the opportunity to support local schools, parents, and communities to move toward an environment that values and fosters the health of our children. The commodities are used in school meals in over 98,000 schools nationwide. Over 28 million lunches are served each day in the National School Lunch Program. In fiscal year 2003, USDA provided schools with over 705 million in entitlement commodities and \$75 million in bonus commodities for their school meal programs.

Of course, the commodity programs are equally important to American farms and ranchers because they provide the Department with a means to stabilize agricultural markets.

There has been considerable attention paid to the fat, sodium, and sugar content of school meals. I would like to ensure the Committee of our continuing and abiding concern in this area and share a few of the things that we have done to address this.

The Department has, one, reviewed and modified recipes, commodity specifications, and other materials that support compliance with the dietary guidelines. We have also worked with schools to

more closely align the meals they serve with the dietary guidelines. We are working hard to improve the quality, variety, and nutritional content of commodities we provide the schools, including offering reduced-fat meat and cheese products, reducing the salt content of canned vegetables, and reducing the sugar added to canned fruit.

We have also strongly encouraged schools to offer more nutritious choices to students and provide food service workers with the training and technical assistance to help them prepare more nutritious and appealing meals. Today, over 80 percent of these National School Lunch Program schools, we believe, offer meals that are consistent with good health.

We have also asked our partners in industry and State and local agencies for their suggestions in order to identify how we can improve the delivery of the commodity programs to States and schools. Earlier the Chairman made reference to the Food Distribution 2000 report that we use as a blueprint for change.

There are a couple of things I would like to say about what we have done to address many of the recommendations, we believe, all of the recommendations that were noted in that report. We have implemented an Internet-based, commodity-based ordering system called the electronic commodity ordering system. This new system provides greater access and speed in food distribution processes at the Federal, State and recipient agency levels. States can now place, cancel, or modify food orders online that previously were handled through paper transactions. We plan to roll the system out in schools, at the State's option, beginning next year.

We have also done some things to align the commodity programs with commercial practices. To bring our commodity programs more in line with commercial practices, we have now allowed vendors to use commercial labels on USDA commodities in lieu of USDA labels; permitted recipient agencies to maintain single inventory records, instead of requiring separate accounting for USDA commodities and commercial products; and reviewed all USDA commodity specifications and improving or modifying them when feasible, to better align them with commercial specifications.

In addition to that, we have also revised regulations that allow for full substitution of all commodities with the exception of beef and pork, and with limited substitution for poultry products, which allows processors more flexibility in scheduling their production.

In addition to that, we have also initiated a long-term contract for certain commodities, including cheese, some fruits, frozen chicken and turkey products, bringing consistency and predictability to the commodity program.

"Best value" as opposed to "lowest cost" contracts are also being tested to focus on overall product quality and service. There is also a concern to ensure that the food that we serve as a part of this program is also safe. So we have worked very closely with the Department's Food Safety and Inspection Service to ensure that that occurs. We have established and implemented written procedures and timeframes to address commodity holds and/or recalls resulting from safety concerns. This initiative reduces the hold time on commodities, removes products quickly from schools and other outlets, and expedites product replacement and/or reimbursements.

As with other Distribution 2000 initiatives, this was a joint effort by us, the Food and Nutrition Service, the Agricultural Marketing Service, the Farm Service Agency, and the Food Safety Inspection Service. In keeping with the dietary guidelines, we have established helpful standards for canned fruit and vegetables offered in our nutrition programs. We have also worked to ensure that we increase and encourage the purchase and consumption of fresh fruits and vegetables for our School Lunch Program.

We have successfully teamed with the Department of Defense Supply Center of Philadelphia to deliver high-quality fresh produce to school children and Indian tribes. Under this program, participating schools nationwide order fresh produce directly from DOD prime vendors. In fiscal year 2003, USDA purchased \$50 million worth of fresh fruit produce for schools, and the program has proven to be very popular and is currently in about 41 States.

With Food Distribution 2000, we have worked cooperatively, as I noted, with all four of the agencies, and I am very pleased to announce that today, later on this afternoon, we will go live with a USDA commodity food network Web site, which allows customers to go to a single portal for all USDA commodity program needs. It is an E-government resource designed to provide a wealth of information about the purchase and distribution of USDA's commodities. This portal combines the resources and information from all four agencies and other partners in the commodity distribution network into a one-stop shopping for our customers. It is no longer necessary to understand the roles of each of the agencies individually, but you are able to go to one place and receive information about how the commodity program works.

In conclusion, Mr. Chairman, USDA would be pleased to work with you and this Committee as we embark on reauthorizing the child nutrition programs to ensure the continued improvement and success of our nutrition programs for the Nation's children and the continued success of our commodity programs.

Mr. Chairman, this concludes my testimony. Of course, I am happy to answer any questions that you or the Committee Members may have.

Chairman BOEHNER. Mr. Bost, thank you for your testimony.  
[The prepared statement of Mr. Bost follows:]

**Statement of Eric M. Bost, Under Secretary of Food, Nutrition, and Consumer Services, U.S. Department of Agriculture, Food and Nutrition Service**

Good afternoon, Mr. Chairman and Members of the Committee. I am Eric M. Bost, Under Secretary for Food, Nutrition and Consumer Services (FNCS) at the U.S. Department of Agriculture (USDA). I appreciate this opportunity to join you once again as you review the Department's commodity nutrition assistance program and consider how this vital program can be enhanced as it relates to the National School Lunch Program (NSLP). As you know, the Child Nutrition reauthorization process gives the Administration and Congress the opportunity to support local schools, parents, and communities to move toward a nutrition environment that values and fosters the health of our children.

The Department of Agriculture is very proud of its commodity programs and the role they play in supplementing and supporting our other nutrition assistance programs. USDA commodities are used in school meals in over 98,000 schools nationwide. In Fiscal Year 2003, USDA provided schools with over \$705 million in entitlement commodities and \$79 million in bonus commodities for their school meals programs. Nationwide, over 28 million lunches are served each day in the National School Lunch Program. Of course, the commodity programs are equally important

to American farms and ranches because they provide the Department with a means to stabilize agricultural markets.

I would like to begin today by saying a few words about the nutritional aspects of our school meal programs. There has been considerable attention paid to the fat, sodium, and sugar content of these meals. I would like to assure the Committee of our continuing and abiding concern in this area. The Department has reviewed and modified the recipes, commodity specifications and other materials that support compliance with the Dietary Guidelines for Americans.

USDA has worked with schools to more closely align the meals they serve with the Dietary Guidelines. Today, over 80 percent of NSLP schools offer meals that are consistent with good health. We have worked hard to improve the quality, variety, and nutritional content of the commodities we provide to schools and will continue to make improvements in the future. At the same time, we are strongly encouraging schools to offer more nutritious choices to students and we are providing food service workers with the training and technical assistance to help them prepare more nutritious and appealing meals.

As many of you recall, back in the 1990's, the Department became aware of a growing gap between the way we were delivering our commodity support to schools and the way States, schools and industry could most efficiently and safely produce, deliver, store and serve a quality product. We asked our partners in industry, the State, and local agencies for their suggestions in order to identify how we could close this gap, and we incorporated these recommendations, along with our own, into a report entitled, "Food Distribution 2000," and used it as a blueprint for change.

#### *Recognizing and Responding to a Challenge*

The Food Distribution 2000 Report identified numerous ways in which USDA's commodity program for schools was overly cumbersome and burdened with red tape. Commodity ordering was handled by seven different regional offices, rather than centrally at USDA's Food and Nutrition Service headquarters. Orders were submitted on paper, not electronically.

The Department's program was significantly out of step with commercial practices. Vendors were required to use USDA labels on commodities, which entailed running separate production lines and no interchangeable products. The Department required States and recipient agencies to maintain separate inventories for USDA products and account for them aside from commercial products. Specifications for USDA commodities often deviated from the specifications commonly used for commercial products. The vendor contracting process—short-term lowest cost contract awards—made USDA the customer of last resort and created inconsistent and unpredictable product quality and service.

Other key issues the report addressed were how USDA agencies could better coordinate their efforts, improve food safety protocols, and promote fresh fruits and vegetables.

I am pleased to report that USDA has addressed each of the issues raised by the Food Distribution 2000 Report, took action, and has now implemented most of the Report's recommendations, some of which I would like to share with you this afternoon.

#### *Making Commodity Programs More Responsive to Customer Needs*

To make our commodity programs more responsive to our customers, USDA has implemented an Internet-based commodity ordering system called the Electronic Commodity Ordering System (ECOS). This new system provides greater access, speed and transparency to the food distribution process at the Federal, State, and recipient agency levels. States can now place, cancel, or modify food orders online that previously were handled by paper transactions. We plan to roll the system out to schools, at the State's option, beginning next year.

#### *Aligning Commodity Programs with Commercial Practices*

To bring our commodity programs more in line with commercial practices, USDA now:

- Allows vendors to use commercial labels on USDA commodities in lieu of USDA labels;
- Permits recipient agencies to maintain single inventory records, instead of requiring separate accounting for USDA commodities and commercial products; and
- Reviews all USDA commodity specifications, and improves/modifies them when feasible, to better align them with commercial specifications.

We have revised regulations to allow for full substitution of all commodities, with the exception of beef and pork, and with limited substitution for poultry products. Substitution allows processors more flexibility in scheduling production. Through

the use of the Standard Yield Program, schools can now obtain seamless distribution of commodities and commercial purchases.

We have also initiated long-term contracts for certain commodities, including cheese, some fruits, frozen chicken and turkey products. This procurement method brings consistency and predictability to the commodity program. “Best value”, as opposed to “lowest cost” contracts are also being tested to focus on overall product quality and service.

#### *Improving Food Safety Protocols*

To ensure that the commodities we offer to schools are safe as well as nutritious, all meat and poultry product specifications are reviewed and/or amended in consultation with the Department’s Food Safety Inspection Service (FSIS).

Ground beef suppliers must operate under new process control protocols similar to those required by large volume commercial buyers of ground beef.

USDA has also established and implemented written procedures and time frames to address commodity holds and/or recalls resulting from safety concerns. This initiative reduces the hold time on commodities, removes product quickly from schools and other outlets, and expedites product replacement/reimbursement. As with other Food Distribution 2000 initiatives, this was a joint effort by FNS, the Agricultural Marketing Service (AMS), the Farm Service Agency (FSA), and FSIS.

#### *Promoting Fresh Fruit and Vegetables*

As many of us here today recall from our own school days, the National School Lunch Program of the 1950’s and 60’s served canned fruits and vegetables almost exclusively, and in keeping with the tastes and nutrition knowledge of the times, they were often flavored with plenty of salt and heavy syrup. Since those days, and in keeping with our Dietary Guidelines, we have established much more healthful standards for canned fruits and vegetables offered in our nutrition programs. The sodium specifications for the vegetables we offer to schools are the minimum amount possible that still assures palatability of the products. Canned fruit is packed only in natural juice or light syrup.

Recently, the Department has embarked on a major effort to increase and encourage the purchase and consumption of fresh fruits and vegetables for the school lunch program.

USDA has successfully teamed up with the Department of Defense (DoD) Supply Center of Philadelphia to deliver high quality fresh produce to school children and Indian tribes. Under this program, participating schools nationwide order fresh produce directly from DoD prime vendors. In fiscal year 2003, USDA purchased \$50 million worth of fresh produce for schools and the program has proven to be very popular in the 41 States that took part in it last year.

#### *Improving USDA Inter-Agency Coordination*

Food Distribution 2000 has been a collective and unprecedented effort of four USDA agencies. Together, FNS, AMS, FSA, and FSIS have forged a partnership to eliminate inter-agency barriers and work together to bring about major structural changes to the commodity programs our Department administers. The success of these commodity improvement initiatives is due to the commitment, support, and considerable effort put forth by each agency at every level.

I am proud to announce today that one of our inter-agency partnering goals has resulted in the creation of a one-stop USDA Commodity Food Network (CFN) website. This website—which goes “live” this afternoon—allows our customers to go to a single portal for all USDA Commodity Program needs. It is an e-government resource designed to provide a wealth of information about the purchase and distribution of USDA commodities. This portal combines the resources and information from all four agencies, and other partners in the commodity distribution network, into “one-stop shopping” for our customers. It is no longer necessary to understand the role of an individual USDA agency in order to obtain commodity information.

The website enables schools, community feeding sites, State agencies, Native American Tribal Organizations and others to have instant access to information about USDA’s commodities and distribution programs. CFN also provides direct links to other commodity distribution partner websites, such as the American Commodity Distribution Association and the American School Food Service Association.

#### *Conclusion*

Mr. Chairman, USDA would be pleased to work with you and this Committee as we embark on reauthorizing the Child Nutrition programs to ensure the continued improvement and success of our nutrition programs for the nation’s children and the continued success of our commodity programs.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions.

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Chairman BOEHNER. Mr. Yates, you may begin.

**STATEMENT OF A. J. YATES, ADMINISTRATOR, AGRICULTURAL  
MARKETING SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. YATES. Mr. Chairman, members of the Committee, thank you for the invitation to appear before you today to discuss the role of the Agricultural Marketing Service, AMS, in the National School Lunch Program.

I am A. J. Yates, Administrator of AMS, and I am pleased to be here with Under Secretary Bost. While USDA's Food and Nutrition Service administers the National School Lunch Program, AMS is responsible for purchasing many of the commodities for this and other domestic food assistance programs. We support the National School Lunch Program, providing nutritious, high-quality food to school children through our purchases of red meat, fish, poultry, eggs, fruit and vegetable products. USDA's Farm Service Agency purchases flours, grains, peanut products, dairy products, oils and shortening. All of these purchases help to stabilize the agricultural market by balancing supply and demand, thus helping domestic farmers and ranchers.

Let me briefly describe the purchase process and AMS's role in it. The process begins long before AMS announces that it plans to purchase particular food items. AMS specialists knowledgeable in food processing work with potential vendors, Food Nutrition Service, and food safety officers in developing specifications for each item that will be purchased. Many of these items are similar to the popular commercial items.

Other items are developed specifically to meet the special nutritional needs of our recipients. The specification provides details on product formulation, manufacturing, packaging, sampling and testing requirements and quality assurance provisions. By coordinating the development of specifications with specialists from all aspects of food processing, AMS ensures the purchase of high-quality, wholesome, appealing products that meet recipients' needs and Federal standards for nutrition.

Prior to conducting any purchase, AMS economists assess market conditions and determine the availability for commodities the agency is considering buying. During this time, AMS also works closely with Food Nutrition Service to determine recipient preferences. Orders are taken by FNS and provided to AMS so that purchases can be made.

Although weekly meal patterns must meet Federal standards, local school authorities make the decisions about what specific foods to serve and how they are prepared. Moreover, USDA's commodities comprise less than 20 percent of the food products put on school children's plates. AMS and FSA are responsible for issuing and accepting bids and awarding and administering contracts.

FNS is responsible for taking commodity orders from States, monitoring purchases and entitlements throughout the year, and the overall administration of the commodity nutrition programs.

Actual purchasing begins with AMS and Farm Service Agency notifying specific industries, through press releases and other means, of their intent to purchase particular food products. These agencies invite bids under a formal advertised competitive bid program. These invitations give specific details on when bids are due for a particular purchase. All products must be US-produced and of domestic origin. Under Federal acquisition regulations, vendors must be deemed responsible prior to participating in the program. For instance, they must have a satisfactory performance record and adequate financial resources to demonstrate their ability to produce and deliver the product within designated timeframes.

It is essential that USDA-purchased food products arrive on time, as recipients depend on it. Bids are received from responsible vendors, analyzed, and contracts are awarded by AMS or Farm Service Agency. Contracts are then administered by the agencies to make sure that the terms and conditions are followed.

All products purchased by USDA are produced in compliance with applicable food safety—Federal food safety laws and regulations. Red meat, poultry, and egg products must be processed under USDA's Food Safety and Inspection Service regulations. And all fruit, vegetable and fish products are subject to Food and Drug Administration regulations.

FSIS and FDA ensure that such products are wholesome and that processing plants operate under sanitary conditions. In addition to FSIS inspection, AMS inspectors are present during production and shipping of all red meat and poultry items to ensure compliance with all specification requirements, including those for raw material processing, packaging, and testing.

Plants supplying processed fruit and vegetable products undergo a survey by AMS inspectors to ensure compliance with FDA requirements, including that agency's good manufacturing practices. Additionally, fish products are produced in facilities operating under the National Marine Fisheries Service voluntary seafood inspection program. For certain types of products, such as ground beef, egg products and fruit juices, additional product handling and testing protocols are required.

AMS also works with FSIS to distribute educational materials for food service professionals about proper handling and cooking techniques. These materials are available both in Spanish and English, and are designed to assist food service professionals in every school participating in the National School Lunch Program.

As you know, in 1998, USDA policy officials met with representatives of the American School Food Service Association and the American Commodity Distribution Association, with the aim of improving the commodity procurement and distribution process. AMS played a key role in developing and implementing the initiatives contained in the "Food Distribution 2000—USDA's Reinvention Plan for Change" report.

Some of the key initiatives contained in this report that AMS has implemented include the expanded use of long-term contracts with proven suppliers; expanded use of best-value contracting; revised product specifications to align them with commercially available products; purchase of commercially labeled products; use of commercial and commodity products interchangeably by further proc-



essors in the manufacture of fruit and vegetables products, and, on a more limited basis, poultry products; implemented formal commodity product hold and recall procedures for use by State and local authorities; and relaxed truckload delivery requirements allowing multiple stops within a State or city.

Mr. Chairman, AMS is proud of the role it plays in providing food products to this Nation's school children. We are proud of the relationship we have built with other Federal agencies, State agencies, and the school food community to carry out this most important responsibility. We look forward to working with you in any way that we can as the Child Nutrition Act and Richard B. Russell National School Lunch Act reauthorization process continues.

This concludes my statement, Mr. Chairman, and I would be pleased to respond to any questions that you may have.

Chairman BOEHNER. Mr. Yates, thank you for your testimony.

[The prepared statement of Mr. Yates follows:]

**Statement of A. J. Yates, Administrator, Agricultural Marketing Service,  
U.S. Department of Agriculture**

Mr. Chairman and Members of the Committee, thank you for the invitation to appear before you today to discuss the role of the Agricultural Marketing Service (AMS) in the National School Lunch Program. I am A. J. Yates, Administrator of AMS, and I am pleased to be here with Under Secretary Bost.

In 1946, Congress passed the National School Lunch Act, providing a healthy lunch to millions of schoolchildren. Over 55 years later, the program continues to help improve the health of children, especially those at nutritional risk.

While USDA's Food and Nutrition Service (FNS) administers the National School Lunch Program (NSLP), AMS is responsible for purchasing many of the commodities for this and other domestic food assistance programs. We support the NSLP by providing nutritious, high quality food to schoolchildren through our purchases of red meat, fish, poultry, egg, fruit, and vegetable products. USDA's Farm Services Agency (FSA) purchases flours, grains, peanut products, dairy products, oils, and shortenings. All of these purchases help to stabilize prices in agricultural markets by balancing supply and demand, thus helping domestic farmers and ranchers. Let me briefly describe the purchase process and AMS' roll in it.

The process begins long before AMS announces that it plans to purchase particular food items. AMS specialists knowledgeable in food processing work with potential vendors, FNS, and food safety officials to develop a specification for each item that will be purchased. Many of these items are similar to popular commercial items. Other items are developed specifically to meet the special nutritional needs of our recipients. The specification provides details on product formulations; manufacturing, packaging, sampling, and testing requirements; and quality assurance provisions. By coordinating the development of specifications with specialists from all aspects of food processing, AMS ensures the purchase of high-quality, wholesome, appealing products that meet recipients' needs and Federal standards for nutrition.

Prior to conducting any purchase, AMS economists assess market conditions and determine the availability for commodities the Agency is considering buying. During this time AMS also works closely with FNS to determine recipient preferences. Orders are taken by FNS and provided to AMS so that purchases can be made. Although weekly meal patterns must meet Federal standards, local school authorities make the decisions about what specific foods to serve and how they are prepared. Moreover, USDA commodities comprise less than 20 percent of the food products put on schoolchildren's plates.

AMS and FSA are responsible for issuing and accepting bids and awarding and administering contracts. FNS is responsible for taking commodity orders from States, monitoring purchases and entitlements throughout the year, and the overall administration of the commodity nutrition programs.

Actual purchasing begins with AMS and FSA notifying specific industries through press releases and other means of their intent to purchase particular food products. The agencies invite bids under a formally advertised competitive bid program. These "invitations" give specific details on when bids are due for a particular purchase. All products must be U.S.-produced and of domestic origin.

Under Federal Acquisition Regulations, vendors must be deemed “responsible” prior to participating in the program. For instance, they must have a satisfactory performance record and adequate financial resources to demonstrate their ability to produce and deliver the product within designated timeframes. It is essential that USDA purchased food products arrive on time as recipients depend on it.

Bids are received from responsible vendors, analyzed, and contracts are awarded by AMS and FSA. Contracts are then administered by the agencies to make sure that terms and conditions are followed.

All products purchased by USDA are produced in compliance with applicable Federal food safety laws and regulations. Red meat, poultry, and egg products must be processed under USDA's Food Safety and Inspection Service (FSIS) regulations, and all fruit, vegetable, and fish products are subject to Food and Drug Administration (FDA) regulation. FSIS and FDA assure that such products are wholesome and that processing plants operate under sanitary conditions.

In addition to FSIS inspection, AMS inspectors are present during production and shipping of all red meat and poultry items to ensure compliance with all specification requirements—including those for raw materials, processing, packaging, and testing. Plants supplying processed fruit and vegetable products undergo a survey by AMS inspectors to assure compliance with FDA requirements, including that Agency's Good Manufacturing Practices. Additionally, fish products are produced in facilities operating under the National Marine Fisheries Service voluntary seafood inspection program. For certain types of products, such as ground beef, egg products, and fruit juices, additional product handling and testing protocols are required.

AMS also works with FSIS to distribute educational materials for food service professionals about proper handling and cooking techniques. These materials, available in both Spanish and English, are designed to assist food service professionals in every school participating in the NSLP.

As you know, in 1998, USDA policy officials met with representatives of the American School Food Service Association and the American Commodity Distribution Association with the aim of improving the commodity procurement and distribution process. AMS played a key role in developing and implementing the initiatives contained in the “Food Distribution 2000—USDA's Reinvention Plan for Change” report. Some of the key initiatives contained in this report that AMS has implemented include:

- Expanded use of long-term contracts with proven suppliers;
- Expanded use of best-value contracting;
- Revised product specifications to align them with commercially available products;
- Purchase of commercially labeled products;
- Use of commercial and commodity products interchangeably by further processors in the manufacture of fruit and vegetable products and, on a more limited basis, poultry products;
- Implemented formal commodity product hold and recall procedures for use by State and local authorities; and
- Relaxed truckload delivery requirements allowing multiple stops within a State or city.

Mr. Chairman, AMS is proud of the role it plays in providing food products to this Nation's schoolchildren. We are proud of the relationships we have built with other Federal agencies, State agencies, and the school food community to carry out this most important responsibility. We look forward to working with you any way we can as the Child Nutrition Act and Richard B. Russell National School Lunch Act reauthorization process continues.

This concludes my statement, Mr. Chairman. I would be pleased to respond to questions from the Committee.

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Chairman BOEHNER. USDA's commodity distribution program really has two objectives. One is to stabilize the agricultural marketplace, and, second, to provide high-quality nutritious foods to Federal nutrition programs. And I am trying to—wearing both of my hats of interest—trying to understand what really drives this process: what is good for the nutrition programs in terms of what the schools want; or is it the economics of the marketplace in terms of the stabilization of certain commodity markets?

So I would like to ask both of you, just help me understand which objective wins when it is all said and done.

Mr. BOST. Mr. Chairman, let me take a stab at it. I don't know if it is a question of which objective wins. I think what we have attempted to do in the Department is to ensure that there is a balance, and that essentially they balance one or the other out in terms of us making some decisions that are going to address both entities.

On the one side, of course, what the farmers and ranchers produce and they want us to buy; and on the other hand, a very important consideration that we have to give—we are interested in giving to ensure that we provide nutritious, healthy food to the 29 million children in our schools.

And also the other issue of dealing with the bonus buys that are out there. So we try to bring all of those to the table and balance them out in terms of some decisions that we make.

Interestingly enough, that is why there are essentially two components of the program. One, of course, is entitlements. There are 143—145 items on that list that schools are actually able to order from. The other is bonus buys. The bonus buys afford the Department a great deal of flexibility in terms of when and what they buy and how much.

And so that tends to be somewhat of a lever, because it affords us an opportunity to attempt to balance all of those things out, a challenge. It is a major challenge for us. Because there is a great deal of pressure coming, of course, from one side on occasion, saying “Well, I want you to buy X.” It could be peaches, it could be tree nuts. It could be, “Well, I want you to buy more beef.”

On the other hand, it could be, we are interested in ensuring that the foods that we do buy, one, that we can afford to buy them; and, two, that they are going to meet the nutritional needs of school children. And, most importantly, that even when we do buy them, that the children are going to eat them. We have people who come to see us who are interested in, say, two of my favorites, asparagus and brussel sprouts. You know, there are not too many second graders that that is at the top of their list, you know, in terms of interest and taste.

So we try to ensure that we balance all of those things out.

Chairman BOEHNER. Mr. Yates.

Mr. YATES. Mr. Chairman, it is a balancing act. And we at AMS work very closely with FNS. We will have a number of different agricultural commodity groups come before us in a period of time with a statement that our commodity is in surplus, we are having a difficult time. And the first thing that we always do, is we go to FNS and we say, here is what the industry has out there in surplus. Can you use it in any of the school lunch programs? Are the recipients interested in this type of product?

It is a very close relationship that we have with FNS in this regard. And as the Under Secretary said, some of these commodities are wanted much more than others. And we look for ways of putting nutritious items together, even if it is a dried fruit mix, that would allow us to use certain commodities that by themselves might not be so appealing to an individual, a young student, but by combining these nutritious dried fruits together, it provides something that was very popular last year in the purchases that we made and the deliveries to the schools.

Chairman BOEHNER. In Food Distribution 2000, the panel recommended that specifications be written to resemble, as close as possible, the specifications used in commercial food system procurement. I know the Department has reviewed some of these. But how are we coming in terms of the implementation of all of those recommendations?

Mr. YATES. Well, I think we have been very successful in implementing most of those. One of the issues that the Under Secretary and I both stated in our testimony is the substitution issue in regards to fruit and vegetables. It is fairly broad in substitution there. And it is limited when it comes to poultry and to beef and pork products.

For the poultry products, if our inspectors are in the facility where we have continuous inspection, the company can be making either commercial or school product, and actually we allow them to use their own label on the product. And so if it has passed under AMS inspection, those products can be interchanged.

With beef, with the new beef specifications that we put in place last spring dealing with microbial testing, we allow no substitution because the health of one of the most at-risk groups of people we have in the country, the young people in school, we are going to assure to the best of our ability that we deliver a product that is safe and healthful.

And so there—our testing begins at the carcass. And it goes through the boneless beef, on to after-processing. What we are looking at now in addressing the issue I think that you had raised is that we would entertain delivering on time to a processor, chilled, boneless beef for further processing that has gone through our inspection process and microbial testing. And I believe that that would provide a product that is more economical, and also a fresher product for school children.

Chairman BOEHNER. I can see my time has expired. We will come back to that after all of the members have had a chance to ask their questions. Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman. We understand that the Department has conducted studies to determine how to reduce overcertification of eligibles. Do you believe that these—that there are program safeguards built into your proposal to reduce overcertification that protect children, and to make sure that we aren't dropping those that should still be in? And what are these safeguards?

I have in mind, for example, that I have taught at an inner-city school. We had homeless kids. We had illegal immigrants. We had migrant workers. We had children in barely functional families, if not dysfunctional families. We had really a cross-section. How have you built safeguards in to make sure that in your zeal to reduce overcertification that you weren't really dropping those who legitimately need program?

Mr. BOST. I think it is real important to note that, first of all, it is not necessarily just overcertification. We are interested in ensuring that every eligible child is able to participate in the program, because we have a significant number of eligible children, that for whatever reason, are not participating. So it is just not overcertification, but it is ensuring that those children that are eli-

gible that are not participating, that they participate. That is the first point.

The second point that I would like to make is the fact that we are looking at a system that we have built, hopefully, have described a system that will address many of those issues and start with one direct certification. The system now requires parents to send information back. The system that we have recommended essentially takes that first step away. Essentially they are automatically eligible, because we would tie some eligibility requirements to the food stamp caseloads. So it reduces the paperwork.

And last but not least, this is a very important point to make, is the fact that we are motivated, and I have said this before, and I will try to make this just as clear as I possibly can—we are motivated by ensuring that every eligible child participates in this program.

We are not interested, we are not motivated by either inhibiting or preventing any eligible child from participating in the program, but we are motivated by ensuring that they do meet the eligibility requirements, with that in mind, with the risk program that we are going to recommend.

There will be a follow up for those that we don't think that we would be able to catch. One, a very assertive and aggressive follow-up that would be telephones, it would be letters, would be at the discretion of the teacher or would be at the discretion of the school system. If a person—you made reference to the fact yourself, that you had a child in your class that you knew was not receiving a meal that may be eligible. We have built into the process a system that would afford a teacher or the school system the opportunity to enroll that child.

And so we believe that we have built safeguards in place to address all of the considerations that you spoke of, because we are motivated, very clearly we are motivated by ensuring that every eligible child participates, and that we do not—and I repeat—that we do not inhibit or prevent eligible children from participating in the program.

Mr. KILDEE. I appreciate that. I think it is very important that you have the same zeal—I am talking about anyone, the years that I have been here—that you have the same zeal in excluding the ineligible, and also the same zeal of including the eligible. And I think it is very, very important, because that is very often—there are certain people, it depends on who is in charge. Certain programs have a certain bias. I think that we have to make sure that we have that same zeal to include the eligible while you are trying to exclude those who are ineligible in that program.

Mr. BOST. And we believe that we have put forth a process that will afford us the opportunity to do that. We are motivated by ensuring that eligible children participate in the program. There are people, there are critics who feel otherwise.

And what I have said to them, and I will offer it today, if someone can come up with a much better system that is not going to cost any additional money, we are open.

Mr. KILDEE. OK. We hope to work closely with you. I think we do realize the importance of nutrition. I would like to also say hello to George Brailey, who I have been working with for many, many

years on nutrition issues. Good to see you again, George. Take care. Thank you very much.

Chairman BOEHNER. The Chair recognizes the gentlelady from Illinois, Mrs. Biggert.

Mrs. BIGGERT. Thank you, Mr. Chairman. Just one question, first of all. I think that, Mr. Under Secretary, you talked about allowing vendors to use commercial labels on the USDA commodities. And I think that, Mr. Yates, you referred to that in your testimony also.

Why is that important? Why is that a change?

Mr. YATES. One of the reasons that it is important, I think it really holds the processor more accountable. His label is on the commodity. It also gives us a more seamless process to where this company is making a product, you know, such as we are already in there inspecting. They can put their label on it. But when it gets out there in the schools, the schools know who the processor was. It just doesn't have a USDA label on there. So I think the accountability issue is of utmost importance.

Mrs. BIGGERT. It is accountability and safety, not that people would like to know where it came from.

Mr. YATES. That is right.

Mrs. BIGGERT. Then you also testified about it being twofold; one is for the agriculture, to stabilize the commodities; but also to provide, then, for the food substance for the schools. How does this work? Let's say you suddenly have an overabundance of chickens and so you are going to provide these to the schools. Do the schools have—is this a contract that is way ahead of time so that they know how to plan to use these foods in combination with their other foods that are going to the schools?

Mr. BOST. Well, it tends to be a combination of both. As I said before, the commodity program has two parts. It has an entitlement and it has bonus buys. The entitlement, there is a list of 145 items that schools are able to order. And so they are able to anticipate what their needs may or may not be.

In terms of bonus commodities, essentially, for example, last week I think it was tree nuts. Especially if they are interested in buying them, they would usually go to Mr. Yates and his folks and talk about what the need is, what they have, and what we are able to buy. Then, essentially, they make the case, and we talk among ourselves to make a determination if AMS purchases it, if we are able to use it. And not only are we able to use it, but is it going to meet the nutritional needs of children, and are they going to eat it? We are not interested in spending a significant amount of money on food that the children aren't going to eat. So it tends to be a combination of all of those.

Mrs. BIGGERT. Are there commodities that might be available that are never requested?

Mr. BOST. Yes.

Mrs. BIGGERT. What happens to those?

Mr. BOST. There are several opportunities in terms of the State using them for other things. As Mr. Brady is saying to me, most of time we usually don't buy it if we don't think that it is going to be needed. Usually the schools make their orders in advance.

Mrs. BIGGERT. And then you have put in there that there is going to be more opportunity for fresh fruits and vegetables rather than the canned or frozen?

Mr. BOST. Yes. There has been a concerted effort on our part to ensure that we increase the availability of fresh fruits and vegetables that are available as a part of our program. We are interested, of course, in increasing the ways to meet the nutritional needs of our children. And what better way to do that? And then also one on the other end, it helps the market on the other hand. It helps the nutrition and health of children. It also helps to address some of the issues of obesity that children in our schools today are experiencing. And so there has been a concerted effort on our part to increase the availability of fresh fruits and vegetables.

And last but not least, as I travel around the country we find that children, when the fruits and vegetables are fresh, are much more likely to eat them.

Mrs. BIGGERT. I think that is true. I think that is a very good program. But how long does it take you to get these products to the schools so that they are fresh? Is there any certain amount of time that you have after they have been ordered that they will arrive?

Mr. BOST. Well, the Department of Defense, as I said in my testimony, last year I think they bought \$50 million worth. And they are able to deliver it in a very timely fashion. Also, the fresh fruit and vegetable pilot, that was in 4 States, 100 schools, and an Indian reservation. And it was shipped directly to those schools.

And, last but not least, in at least a couple of States around the country, we have the farm—the local farm-to-school programs where fruits and vegetables are bought locally. So as a result, the time in terms of getting them to the schools is very, very short.

Mrs. BIGGERT. Does this have anything to do with so many schools have their produce day where they bring in from their local farmers, from the families? Which I think has really gotten a lot of children wanting the fresh produce.

Mr. BOST. Well, I think that is a part of it. In some of the schools that we have seen around the country, it is also an opportunity to introduce new fruits and vegetables to students so that they can acquire different tastes.

Mrs. BIGGERT. Thank you very much.

Chairman BOEHNER. The Chair recognizes the gentlelady from Georgia, Ms. Majette.

Ms. MAJETTE. Thank you, Mr. Chairman.

Mr. Under Secretary, are there—is it anticipated when the report will be issued regarding the overcertification? It is my understanding that report has not been issued.

Mr. BOST. Well, there was not a complete report. I believe that we had shared some preliminary information with folks on the staff of this Committee. And so there wasn't a complete report done, but some preliminary information that we did receive has already been shared.

Ms. MAJETTE. Are you anticipating that there will be any action taken with regard to overcertification and reauthorization? And, if so, wouldn't you agree that it would be important to have the formal report or the final information on that?

Mr. BOST. Well, I think based on the information that we have been able to gather not only from that report but also from the data that has been collected before I became Under Secretary, we have put forth, we believe, some provisions that will address some of the concerns that I spoke of earlier.

And like I said, it is not just those children that are not eligible that are participating in the program. We are also concerned about those—we are concerned about both. What I consider the over- and the under-, those that are eligible and those that are not eligible.

We have put forth, we believe, a proposal that will address those and also improve the integrity of the program.

Ms. MAJETTE. And in your testimony you indicated that today over 80 percent of the NSLP schools offer meals that are consistent with good health. Is there a period during which you expect that it will get to closer to 100 percent? What kind of efforts are being made to improve that percentage?

Mr. BOST. Well, of course, we work very diligently with the schools to ensure that they not only provide healthier—healthy and healthier foods in their schools to children, and we work very closely with some of the associations that you are going to hear from after I finish testifying today. And so we are working very diligently to increase that number, I think every day. But part of the challenge, of course, for us is what is served as opposed to what is consumed and eaten.

If you look at children that participate in the National School Lunch Program, the data would indicate that those children consume more vegetables than those who don't participate. If you look at those children who participate in the National School Breakfast Program, the data indicates that those children consume more fruits than those who don't participate.

But there is a challenge in terms of offering healthy and healthier foods and the challenges of children being able to go through the a la carte line and choose what they want to eat, which in some instances is not as healthy as what is offered in the National School Lunch Program.

Ms. MAJETTE. What kind of things do you think can be done, within the context of helping children make these decisions, what kinds of things do you think can be done to get the children to move toward making better choices? And I am asking that question because I think, perhaps to a certain extent, we as adults play into what the children say they want or what they see marketed.

I represent Georgia's Fourth Congressional District, suburban Atlanta. In some of our new high schools, there is a food line that looks like the fast food row when you drive down—you can get pizza and Burger King and all of these various things that we already know, taken in large and regular quantities, are not good for our children.

So certainly I can appreciate the average child not liking brussel sprouts, but what do you think that we can do to create the atmosphere that will allow them to make healthier choices as opposed to accommodating what we already know is not probably the best choice to make?

Mr. BOST. Well, there are several things that we have done in terms of providing education and educational opportunities to



teachers, administrators and parents. We have also provided education to children so that they are able to make better informed decisions about the choices they make and about the types of foods that are offered.

And last but not least, I think it is also very important that we look at improving the quality and the types of foods that are also provided to our children in schools, so that we can make it appetizing and that it looks good and that it tastes good, so that they will actually choose it.

I think one of the rules of thumb that I go by is that one of my colleagues in the Department has some young boys in school, and they had a real description of some food, and it was not very pleasant. So it tells us every day that we need to look at working with the schools. I think that they are trying as hard as they can to address some of those concerns in terms of educating the people so that they are able to make wise decisions and choices, also making the foods appealing.

Also part of the things that we are doing, too, that I failed to mention is increasing—or ensuring that we add fresh fruits and vegetables to the menus, changing the way foods are prepared, the way they look. And let me give you a real specific example of something that occurred to me as I saw a school in Florida. Pizza was delivered initially in boxes that had one of the large pizza restaurants, and the kids loved it, and they ate it every day. And the food service workers, what they did was that they made the same pizza and put it out and the kids didn't eat it. And it was healthier. It was lower fat, more vegetables, a whole grain crust. So what they did was they started slipping some of the pizzas that they made in the commercial box and the kids ate it.

Ms. MAJETTE. So it is all about marketing?

Mr. BOST. It is all about marketing. Because they didn't eat it the day before and it was the same pizza. And then they ate it the next day. That was another example.

The other thing is I went up and looked at a school system in Bellingham, Washington, where the food service person is doing an outstanding job in terms of providing some very healthy choices and alternatives to school kids. And she makes it look really attractive, and it tastes good. And I was able to go through the line. And she did some other things that were also very interesting. And it was just the dynamics of how she had set up the line.

Initially she had the salad bar as the kids went through the line, she had the salad bar at the beginning of the line. Kids were bypassing it and going to other items. She put the salad bar at the end of the line, so that when the kids were standing in line to pay, they were standing right next to the salad bar. And the kids were much more likely to take some additional items from it, because they were standing there waiting. So we found some of the school systems that are being very creative in terms of addressing that issue.

And last but not least, parents have got to take some responsibility in terms of helping their children make some wise decisions and choices about what they eat, because for young kids, young kids don't buy junk food or the foods that are not healthy for them, their parents do. And the parents give them money to buy foods,

too. So parents have a very important role to play in terms of helping guide their children and making some wise decisions about the types foods that they eat.

Ms. MAJETTE. Thank you.

Chairman BOEHNER. The Chair recognizes the gentleman from Florida, Mr. Keller.

Mr. KELLER. Thank you, Mr. Chairman.

And, Mr. Under Secretary, let me make a comment. As we sit here in the sterile atmosphere of a congressional hearing, it sounds very good, admittedly, that we have food that is 100 percent nutritious 100 percent of the time for our school children.

But as a Member of Congress who is only in his thirties, I am not that far removed from high school. And in my high school, we had pizza day every Wednesday, and I loved it. And I don't want to be known as the jerk who killed pizza day. So are we going to have our local schools still have the flexibility to once in a while serve some food that may not win the award as the most nutritious, but gives them the chance to serve some normal food without fearing losing dollars from the government?

Mr. BOST. Absolutely. They are able to do that now. The issue is those are not reimbursable meals, and so they can continue to serve it as much or as frequently as they like to.

But the challenge of that is the fact that parents go into it, into a school, and they see the pizzas, the hamburgers, the hot dogs, the french fries, the honey buns, and the donuts, the other things. Then they call me and say, why is it that my child is eating that food that is high in fat and high in sugar and high in sodium? And that is a decision that the school has made, not that we have made.

So what we are saying is that we are interested in them providing healthier choices. But it is a local decision that is left to their discretion. But I think, given the rate of obesity that we are experiencing in this country, that we are going to have to look at making some very difficult decisions that we might not be interested in making.

Mr. KELLER. And whatever we do, let me tell you those kids, even elementary school kids, are pretty sophisticated about trading. You try to trade a banana for a Jello snack pack pudding, you aren't going to have any offers on the table there, as I recall.

But let me ask you, how often are the dietary guidelines for Americans changed?

Mr. BOST. They are reviewed every 5 years. We just swore in and gave the Committee their charge, I think, 2 weeks ago. So they are in the process of reviewing the dietary guidelines as we speak.

Mr. KELLER. It seems like we are in a state of flux when we are trying to determine what is healthy. For example, take the Atkins diet. For many years that was considered quite controversial by traditional physicians, and now even the most established journals such as New England Journal of Medicine say that this actually works. As you know, this diet advocates the more low-carb things, so the green vegetables as opposed to the more starchy vegetables like corn and potatoes.

How do you take into consideration these new data as to what is healthy and what is not healthy in determining what the requirements are for reimbursable meals?

Mr. BOST. Let us specifically talk about the Atkins diet for just 30 seconds. One, it is a diet. It is there to lose weight. I don't know if anybody said it was healthy for you. I haven't heard any of the research that say it is healthy. It is a diet. It is there to help one lose weight.

Mr. KELLER. Weren't you saying that one of your major challenges is obesity?

Mr. BOST. But the Atkins diet, you talked about it. It is a diet, and it is there to help people lose weight. That is the first point.

The second point is that I haven't heard any research that would indicate that anyone had said that the diet itself is healthy.

The last point is the fact that when you look at those people that were on the Atkins diet long term, they essentially gained back all the weight that they had lost. That is the first point.

The second point, 34 percent of the meal can meet the fat content, and that is why the dietary guidelines are essentially reviewed periodically so that we can look and receive the best possible data and science from the experts around the country that will afford us the opportunity to make some decisions about what is healthy and what is not. As I said before, that Committee is in the process of reviewing the Dietary Guidelines for Americans as we speak.

Mr. KELLER. You are a skeptic on a low-carb type of diet, it sounds like.

Mr. BOST. No, it is not that I am a skeptic, it is just that if you go into a bookstore, there are 1,000 books on diets. It is a question of individual diets and preferences and choices and what works for you. If it is a diet that works for you, I have no problems with it whatsoever, but it doesn't work for everyone.

Mr. KELLER. Nothing works for me.

We will move off of me.

Let me just close by asking you, does the Department review and revise from time to time the specifications for products it procures to make sure that they are based on these changing dietary guidelines?

Mr. YATES. Yes, we do. We review them on an annual basis.

Mr. KELLER. Thank you, Mr. Yates.

Mr. Chairman, I yield back.

Chairman BOEHNER. The Chair recognizes the gentleman from New Jersey Mr. Holt.

Mr. HOLT. Thank you, Mr. Chairman.

I would like to talk a little bit about fresh fruits and vegetables. Mr. Secretary, it is good to see you again.

Mr. BOST. It is good to see you.

Mr. HOLT. I think you have made it clear that they are important in the diet. I think you would also agree that they are important for pregnant women and moms of young children. What can we do in this reauthorization to make fresh fruits and vegetables both a permanent and nationwide part of the school program and a permanent part nationwide of the WIC program?

I ask that partly because I know in my district, we encounter some difficulties with the produce sellers in fully participating in the program. So it makes it difficult to have this integrated into the diet.

Mr. BOST. Let us start with the fresh fruit and vegetable pilot that is currently taking place in 4 States, 100 schools and an Indian reservation. As a part of child nutrition reauthorization, the administration recommended, one, that it continue in those schools and that we expand it initially to some additional schools. I didn't necessarily put a number on it because it depends a great deal on how much money would be available to do it. And so we feel that that would be one way, a very proactive way, to address the concern that you noted, because it has been very well received in all of the schools by all the teachers and administrators and, of course, by all of the children. And so we see that as a vehicle to address that specific concern.

In terms of WIC, the WIC food package itself right now, we contracted with the Institute of Medicine to review the WIC food package because, one, we believe that it is time, and, two, there are opinions that it should change and include more fresh fruits and vegetables. So that it would not be a question about our lack of objectivity or subjectivity regarding this matter, we referred it to the Institute of Medicine. They are going to review it. There is an opportunity for anyone that is interested to comment on what should be a part of that, whether it should be fresh fruits and vegetables, whether it should be substitutions, whether there should be juices. They will review it and then make recommendations back to the Department in terms of exactly what the package should look like. So we believe that we have taken some steps to address both of those concerns.

Mr. HOLT. I hope we can find a way to make this more than just an experimental, partial program, but truly nationwide.

Let me switch the subject to something that perhaps officially isn't in our jurisdiction here, but probably should be, and maybe we should try to extend our jurisdiction on that, and that is the bonus commodities that provides for the distribution of surplus production, because one of the recipients of that would be schools. How do we make sure that we don't experience what we experienced earlier this year, where the money was essentially raided, and it was restored, but it was—how do we make sure that that program continues and the funds aren't shifted to other uses? I address this to either of you to answer that.

Mr. YATES. The bonus buying money is used for a variety of assistances to agriculture. We have helped the pork industry in times of crisis. We have helped the cattle industry. But we have been able to meet the needs of the schoolchildren even as we have had to help some of these commodities that are in dire distress. We believe that we will continue to be able to meet the needs of agriculture and still meet what schools want. This is one of the things, early in my testimony, we go to FNS and ask them, what do the schools want. But we do have the ability to help the industry when the market falls out of bed, and we can come in there and sometimes put a bottom under that market that helps considerably for a huge agricultural market. It is a dual-purpose program.

Mr. HOLT. Let me just say that many of the people who provide food, shelters, food banks and so forth, in my district had some very anxious weeks, or even months, this year when it looked like the program was going the other way, and there isn't time to go

into that history today, but I just hope that we can find a way to see that it is maintained for the benefit of those who provide the food to the schools and to the shelters and food banks. Thank you.

Mr. OSBORNE. [presiding.] Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman, and thank you, gentlemen, for being here today and giving detailed answers to our questions, sometimes confusing questions, I am sure, at least confusing to me.

You mentioned earlier that you had commodity representatives, of course, coming and asking you to buy Brussel sprouts and asparagus and so forth. I haven't had anybody in my office encouraging that we put Brussel sprouts in the program, but I certainly do get commodity representatives that come in, two recently. Dairy farmers and soybean growers have been in the office, and I am sure in yours as well. And I know we are going to have some testimony here a little bit later on that, but I would like to address a couple of questions to you if I could while you are here in this panel.

The law now requires dairy milk in the reimbursable school meal program, but I understand that there is a provision in the law that allows children with allergies or lactose intolerance to receive a nondairy alternative, such as soy milk or orange juice. To the best of your knowledge, Mr. Under Secretary, is this current system fulfilling the nutritional needs of the children?

Mr. BOST. To the best of my knowledge, yes, it is, because as you noted, children that require—for medical reasons or for religious reasons, there is an opportunity for them to receive other types of fluids that we believe go a long way toward addressing some of the nutritional challenges that they may present.

The issue of soy—and, as you say, the soy folks have, of course, come to see me. The current rules, as you noted, in terms of reimbursement for the meal requires fluid milk. Soy-based products do not meet that definition. But there is an opportunity for soy to be served in schools based on the individual needs of children and/or if there are religious considerations that need to be taken into consideration. That is one point.

I think the other point has to do, of course, with the cost. The other consideration, of course, would be the fortification of those things, of soy, to meet some of the other nutritional needs that milk, we believe, currently addresses.

With all of that said, we are always interested in providing our students with healthier alternatives and choices, and we have essentially said that, and it is at the discretion of the schools to serve it if they so choose. I think it comes down to a resource issue for them because of the issue of it not being reimbursable.

Mr. KLINE. Thank you.

Let me get your opinion now, and as I said earlier, I know we have got some more testimony coming, but I am interested in your opinion, sir. Do you think that there should be alternatives to dairy milk served as part of the reimbursable school meal program?

Mr. BOST. I think it is a question of where we are trying to go with that. One, soy at this point, based on my very limited knowledge, of course, of the subject, because I am not a scientist, does not meet the same nutritional needs in growing children that milk does, and so that has to be a consideration. Two, it is a question

of being able to fortify it, and I don't know what that would take. Then, of course, the last issue, of course, is how much is it going to cost. That has to be a consideration. I don't know if I have enough information at this juncture to answer your question.

Mr. KLINE. All right, sir. Thank you very much.

Mr. Chairman, I yield back.

Mr. OSBORNE. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

After the discussion about soy, I have some other questions to follow up on, but I want to go back to a couple of earlier statements. You said that there is a report, and then you said, well, it is not really a report, there are just some documents on certification. Do you have anything else that is accessible to my office besides what is currently on your Web site, which is very, very incomplete and very sketchy?

I have some other questions, and I have limited time.

Mr. BOST. I just wanted to double-check my answer.

One, it is all on our Web site. Two, there are some additional reports that we are putting some finishing touches on, and last but not least, we are still continuing to look at this issue.

Ms. MCCOLLUM. I would also like to know how much money—I would like all the information you have delivered to either the Chair so he can distribute it to all of us or, if people aren't interested in it in the Full Committee, to my office, and the cost of what it has been to the Department to investigate this. My understanding, still current today, is that school districts are based under local control. Can you tell me on average how much a school lunch costs and how much the Federal Government is really participating in the cost of that school lunch?

Mr. BOST. In terms of how much we reimburse the school lunch?

Ms. MCCOLLUM. Per lunch.

Mr. BOST. About \$2.

Ms. MCCOLLUM. A school lunch is about \$2.

Mr. BOST. We cover the complete cost of a free lunch that is provided to schoolchildren.

Ms. MCCOLLUM. The complete cost of a free lunch.

Mr. BOST. On average.

Ms. MCCOLLUM. On average.

Mr. BOST. Yes.

Ms. MCCOLLUM. You talked about all this local control and local discretion for the certification. How does that work for a school district? Let us say Northwest Airlines lays off a lot of mechanics, and they find themselves on unemployment. How does that work for—are parents expected to come in, re-enroll, fill out paperwork? Does the school district have enough discretion that it can quietly, without causing—because this becomes very much peer pressure, sensitivity, especially as you go into the junior high years. Are school districts allowed to say, we know so and so works for Northwest or works for the packing plant, and we need to provide that family a little help and assistance here, and let us just cover the child's lunch while the family is underemployed or not employed at all?

Mr. BOST. I think, first of all, we have to start with how much—how long they are going to be unemployed or how long they are laid off, because there are income requirements that the family

would have to meet regardless of whether they are laid off or working. That is the first consideration. And so they may be laid off for a month, but they still might have other income, and so that has to be taken into consideration.

The second point that I want to make is are you talking about under our proposal that talks about direct certification, or are you talking about right now?

Ms. MCCOLLUM. I am talking about under your proposal, you said there was going to be a lot of flexibility for the school district, and so if the school district used this flexibility, what kind of accountability measures would the school district expect?

Mr. BOST. From?

Ms. MCCOLLUM. Well, I have a lot of National Guard families right now. Some of them are having a hard time hanging onto their homes, and so if a school district knew that and said, gee, these families are overseas serving, let us help the family out, they are having real challenging, difficult times right here; their assets might look good, but provide a free or reduced lunch. What would the school district expect the Federal Government—if you saw a blip go up, would you be in there saying, no, you can't do that?

Mr. BOST. We don't make any decisions. It is based on the income of the family. So the income may go down, but they still might not meet the eligibility requirements.

Ms. MCCOLLUM. You've answered my question.

Could I ask you, as you are rolling out this Department of Defense program, how this is going to affect schools in Minnesota, schools in other parts of the United States that do not have military bases close to them?

Mr. BOST. You mean the fresh fruits and vegetables—.

Ms. MCCOLLUM. Yes, because I saw a list of bases. Are you providing to military bases and the schools around, or is the Department of Defense now delivering food all over the United States?

Mr. BOST. Essentially there are selected bases and Department of Defense locations all over the country that they in turn purchase the fresh fruits and vegetables, and they deliver it. It doesn't have to be in a base. It is not necessarily—fresh fruits and vegetables are not necessarily delivered to people who live on a base. They are delivered to schools in various locations around the country. A distribution point, maybe that would be a better way of describing it.

Ms. MCCOLLUM. Mr. Chair, I would be really interested in how that works and how they would be looking at rolling it out, because to the best of my knowledge, no one in the Department of Defense—.

Chairman BOEHNER. Currently we just have a pilot project with regard to fresh fruits and vegetables. The distribution process is being handled by the Department of Defense because USDA doesn't have such a system at this point. DOD has done this for a long time.

Ms. MCCOLLUM. Maybe that is why my school lunches were so bad, being a military brat.

Chairman BOEHNER. The Chair recognizes the gentleman from Nebraska, Mr. Osborne.

Mr. OSBORNE. Thank you, Mr. Chairman.

I notice that the nutritional guidelines indicate that a young person should have 5 to 9 servings of fruits and vegetables, and also in some of the materials we have here, it indicates that roughly 45 percent of children consume no fruit, and 20 percent eat less than 1 serving of vegetables per day, which is a little bit alarming. I am sure it has some correlation with some of the obesity we are seeing. I just wondered if there is anything that the Department has done to attempt to educate, change behavior, because it seems like this is a little bit of a national problem.

Mr. BOST. Mr. Osborne, we have done all of those things. We continue to work with the local school districts along with the American School Food Service Association, one, to encourage children to consume and to increase fruits and vegetables as a part of a healthy diet. We have several campaigns that are going on now; Eat Smart, Play Hard. We have a memorandum of understanding with Health and Human Services to expand the Five a Day Program.

And so there are several campaigns that we have ongoing now even as we speak to hopefully turn the tide and get children to increase their consumption of fruits and vegetables, along with the DOD program that we talked about that actually distributes fresh fruits and vegetables to schools, along with the pilot that is going on in 4 States, where fruits and vegetables were actually given to 100 schools in 4 States and an Indian reservation. So we are always looking for those opportunities to continue to provide those choices to children so that they are able to eat it when it is put in front of them.

Mr. OSBORNE. A follow-up question. Since you have these programs to educate, how are they administered? Do you try to have teachers in the classroom become actively involved or using public service announcements or using printed materials, or all of those?

Mr. BOST. All of those, along with a major campaign that we have going on with school systems and school districts and some of the associations. Next week is National School Lunch Week, and all of our staff will be traveling the country, going to schools, talking about what we can do to continue to educate teachers, administrators, parents. We also have teachers who actually do that with some of the programs that they actually do have in classrooms. We also have done work with food service personnel in terms of providing them with information so that they are able to make decisions and choices about the types of foods that they purchase and how they prepare them.

And so it runs the entire gamut in terms of, one, providing people with information and encouraging them to make some different decisions and choices. And I don't want to minimize this. We can do all of that, and we can continue to throw money at all of that, but it gets down to that child going through the line and what are they going to choose to eat. That is where we need—we try to start to focus on that, but when you have competing interests in some of the schools that we do have around the country—and I am very sympathetic to many of the financial challenges that schools have in terms of why they offer a la carte meals. If you have a 12-year-old or 13-year-old who is able to choose a hamburger, a cheeseburger, french fries and a pizza as opposed to meatloaf, green



beans and something else, it is a hard sell for that child every day. But what we are trying to do is to say to kids—and part of the thing I talk about is eating that hamburger and french fries, that is not bad. It is not bad for you, there are just concerns when you eat it every day. You need to choose a variety of foods that we are interested in you choosing. Do try to eat the five fruits and vegetables, five to nine fruits and vegetables a day, and that can take on different forms and shapes. And encouraging new tastes for our children.

One of the things that did come out with our fresh fruits and vegetable pilot in those 100 schools is that there were some fruits, kiwis and other things, that kids had never tasted. When they tasted it, they loved it. We are always looking for opportunities to be a little bit more innovative and a little bit more creative in terms of helping children and parents and educators make more informed decisions and choices.

Mr. OSBORNE. Thank you, Mr. Chairman.

Chairman BOEHNER. The Chair recognizes the gentleman from South Carolina Mr. Wilson.

Mr. WILSON. I have no questions, Mr. Chairman.

Chairman BOEHNER. The Chair recognizes the gentleman from Texas Mr. Carter.

Mr. CARTER. Thank you, Mr. Chairman. I apologize for missing most of this hearing. I sometimes wish I could divide myself up a little bit better.

But I have a question I would like to ask you about the WIC program. About 5 months ago, I got approached by a DPS, Department of Public Safety, Undercover Special Crimes Unit detective who had been in my court. I am a former judge, so he knew me. He approached me in Houston with a problem in Harris County of people stealing baby formula and selling it to the WIC program to the tune of \$250,000 a week is the estimated amount of stolen merchandise being purchased by the WIC program in Harris County alone. The next time he met with me, he brought representatives of Wal-Mart, HEB, which is a local chain in our State.

Mr. BOST. I am from Texas.

Mr. CARTER. Good. Then you know what I am talking about. And some of the folks from whatever Safeway calls themselves now. They were showing me evidence of the loss from theft that they were having there. He seemed to indicate to me that when he had approached at least the WIC people locally, the response that he got was that they are looking for the best price. Back where I come from, we call that fencing stolen merchandise.

I was very concerned about it. I remain concerned. I have since met with him again, and he has followed some of this gang to Arizona and to California, and he is fairly confident that they have got a bigger operation in California than they do in Texas. A million dollars a month is, in my opinion, a pretty good operation in Houston.

Do you have any information about that and what is being done to stop fencing of stolen merchandise in Texas?

Mr. BOST. We have heard some of those stories. When we are aware of it, of course, we work with the local law enforcement

agencies. We do sting operations through the Office of the Inspector General to address those concerns.

I think part of the issue is what we have been able to see in many instances is that you have people that are going into HEB and actually stealing formula, so they are actually stealing it from a supermarket and then selling it on the black market to other entities. We have been able—whenever we find that, usually they mark it, and we are able to trace it.

But there are problems with people essentially going into stores, stealing everything, and then putting it on the market. So it is not just specific to WIC, but we are aware of it, and we are working with the law enforcement agencies and also the State agencies to attempt to address this issue.

But formula is a major product that is very popular, that is—it is like the automobiles. They release a list every year about the most popular automobiles that are stolen. For products that we deal in, formula is always at the top of that list.

Mr. CARTER. One of the problems that I have with this is if we have someone who is in possession of dangerous drugs, actually being in possession of those dangerous drugs is a crime. If you can make money stealing baby formula, possession of baby formula is not a crime, but if you have got a truck full of baby formula that your professional shoplifters have gotten for you that you are selling to the WIC program, and it is generating \$1 million a month worth of income, that is just about as good as the drug business, especially if the Federal Government is buying this through their WIC marketers, because, as I understand it, he has clearly traced from the warehouse to the WIC marketers, the smaller guys, because they sell it for \$7 to \$9, sometimes \$8 a unit, whatever that unit is, I assume a can, versus the market price, which I understand is \$11. And then there is a cash rebate that comes back from manufacturers on that somehow for these guys that buy it from them. So they are making a real killing off this, the WIC merchants that are buying this stuff. This also is a fairly large operation involving as many as 50 people, both the people who do the stealing and the people who buy it and warehouse it and then sell it. To me that is organized criminal activity, and the Federal Government shouldn't be involved in fencing merchandise from organized criminal activity.

Mr. BOST. We aren't. Let me make that point real clear. Essentially what happens is that an individual goes into a supermarket and essentially steals a product and goes somewhere else and sells it. It is a crime. It is criminal activity. Whenever we are aware that a vendor is buying stolen merchandise, we involve law enforcement officials, and we deal with it very quickly and very swiftly. So whenever we are aware of those things, we deal with it.

In addition to that, there has been a great deal of work with our State partners to, one, make them aware that this is a crime, and that they need to continue to work with their vendors in their States to adequately address this problem. But you are dealing with people who are shoplifters.

Mr. CARTER. I actually think the Texas Legislature addressed it this year, but they still—it is my understanding to some extent, limited extent, the FBI is involved, but it is my understanding from

talking to the Special Crimes Unit, they still feel like they are running up against sort of a stone wall from the WIC Program.

Mr. BOST. I think it is something that we would be more than happy to come and talk to you about. If there is something that is occurring that they feel that we could help with, we would be more than happy to do that. It is something that we are aware of, it is something that we are on top of, and we are working very diligently in our States to ensure that when we find out about it, that we address it, and we address it very swiftly.

Mr. CARTER. When somebody like Wal-Mart is willing to come to Washington to testify on this, as much as they like money, I think they figure it is a pretty big problem. Thank you for answering the questions.

Mr. BOST. Thank you.

Chairman BOEHNER. The Chair recognizes the gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you very much, Mr. Chairman. I commend you for having this very important hearing. I am sorry that my schedule didn't permit me to be here earlier. I do know some of the questions that I had have already been talked about, over certification, things of that nature; however, I would like to ask Under Secretary Bost, there is a concern that many of us are discussing regarding the question of obesity in our elementary and secondary school children. Obesity in general is something that we are really starting to, I think, finally recognize is—we have always known that it could be a problem. However, I think there is more and more focus now on the question of obesity in general and, of course, to try to deal specifically with some of the problems as relates to elementary and secondary schools.

I just wonder what your department is doing, or has this become a major concern? Has there been discussion regarding what could be done in general about the problem?

Mr. BOST. One, let me say to you very clearly, this is a major concern, and it is something that is very important to us. As I shared with Representative Osborne, there are several things that we are doing in the Department to hopefully start to address this issue.

And it is real important to note also that we cannot do this alone, that it is going to require a great deal of cooperation between us, Health and Human Services, the Department of Education, teachers and administrators.

But in terms of what we are doing, as I said before, we have Changing the Scene, which is a kit that we have given to schools that promotes a healthy school environment; also an Eat Smart and Play Hard campaign, which uses a Power Panther spokesperson, character, that helps deliver our communication and nutrition and physical activity messages to schools. As I said, we have a Five a Day memorandum of understanding with the Department of Health and Human Services. There is also information which is a leader's guide to afterschool nutrition education that we have distributed to schools.

Last but not least, one of the things that I failed to mention when I answered this question for Representative Osborne and is also very important to us is things we are doing in our WIC clinics

in terms of nutrition education and also promoting breast-feeding. The research indicates for those children—and they don't know why this is the case, but for those children that are breast-fed, they are not as likely to be obese when they become older. And so we are encouraging and promoting breast-feeding. And also there are many other very positive benefits in terms of helping to address many of the health considerations that young children have. And so there are many things that we are doing to address the obesity issue among children.

Last but not least, as a part of child nutrition reauthorization, one of the proposals that we have included would—if schools would create a healthy school environment, which means that if they are going to have vending machines, that they would offer healthier alternatives in their vending machines, that there be a physical education or physical activity component, that they help children avoid risky behavior, if they could be classified as a healthy school environment, then we would look at increasing their reimbursement rate that we give them as a part of the National School Lunch Program. We are also trying to build some incentive-based programs to move schools in the direction of addressing this issue.

And, one more time, it is also very important that we engage parents—especially when you talk about elementary schools—that we engage parents in these discussions and activities and actions that we take to help them provide some guidance to their children, because the research also indicates this fact that is also very important. I think when we were growing up, there was a much higher likelihood that this occurred when we were kids than it is now, but for those families that consistently sit down with their children, parents and children who eat together, they are more likely to eat appropriately and not be as overweight. And so families have a very important role to play.

Mr. PAYNE. I know my time has expired. I just wanted to say that I believe that also breakfast—the information that really ties sometimes performance of a child with the school breakfast program. I would hope that we would almost kind of look at the universal availability of school breakfast programs in areas.

Then there was also a question about vitamins. I heard that there was some concern about whether vitamins are helpful to young people. If, in fact, they have poor nutrition, it might be more helpful than if a child had good nutrition. That is another whole question that I would have asked if my time had not run out.

With that, I guess I have to yield back the balance of my time.

Chairman BOEHNER. Thank you, Mr. Payne.

The Chair recognizes the gentleman from Ohio Mr. Tiberi.

Mr. TIBERI. Thank you, Mr. Chairman. I apologize for being late.

I want to kind of deviate my questions a little bit from the questions that I have heard since I have been here. Graduating from an urban public school and having relatives who administer food lunch programs in urban public schools, one of the things that is not a topic of what we are talking about but related is—I just want to get your thoughts on have you heard much from the trenches, so to speak, on a problem that occurs, at least in my school district, where oftentimes food is being taken but thrown away, and, kind of piggybacking on what my colleague said, then the student goes

to the candy machine and gets three candy bars? Food being dumped essentially.

Mr. BOST. Essentially you are talking about plate waste.

Mr. TIBERI. Yes, and how we deal with that issue.

Mr. BOST. I have not heard a great deal about that. What we usually have heard about is the child even not going through the line, but going straight to the candy machine. I haven't heard a great deal about that. If you have heard about it or you have—

Mr. TIBERI. Yes. I have a relative who just retired. She was so frustrated by it, extremely frustrated. The students that would throw away the better food would tend to not throw away the food—the desserts, the chocolate milk or the pop, and then compound it by going to the vending machine and flaunting the fact that they were getting potato chips or a candy bar.

Mr. BOST. If there is something specific, I would be more than happy to sit down with you, but that is not one of the things we have heard, like I say, that I have heard, and we spend a great deal of time in schools. I go to high schools, elementary schools, middle schools around the country. That is not usually what I hear. What I usually hear is about the kid who doesn't even go through the line; or does go through the line, they get what they like, and then go on to a candy or vending machine. But I would be more than happy to sit down and talk with you about it.

Mr. TIBERI. Mr. Yates, any thoughts?

Mr. YATES. I served 13 years on a school board. My oldest son is a principal at a K-8 and his wife is a teacher in a grammar school. It was interesting when my 5-year-old grandson started kindergarten. He lives in California. I call home every night, I ask him, I say, what was the most exciting thing of your first day at school? He said, you know, Grandpa, I had the opportunity to choose what I could have for lunch. That was much more exciting than the studies.

Mr. TIBERI. I thought he might say the recall election.

Mr. YATES. Anyway, I think there are occasions where you see it happen. I experienced it during my 13 years of service on the school board. I don't really see that as something that is a huge problem. It happens occasionally.

I think we have to be very aware of offering these school children items that are healthful, such as if you are going to have machines to offer drinks, make sure those drinks are nutritious and healthful and not something that just fills you up with sugar. So those are things we need to look at. I see that happening throughout the schools.

Mr. TIBERI. Thank you.

Thank you, Mr. Chairman.

Chairman BOEHNER. Before I dismiss the panel, Mr. Yates, we were talking about beef before. I think you understand my concern that what we go through in the commodity distribution program to actually distribute beef to a school and the number of operations and steps in the process, I continue to scratch my head wondering why we go through all of this. Based on the recommendations from the Food 2000 group, it is my hope that the Department will continue to try to address these issues with beef and move to more commercial standards.

Mr. YATES. Yes, we have moved to commercial standards as far as our microbial testing program is concerned. As I stated to you earlier, we want to make this a more seamless operation by being able to provide to the processor on an on-time basis with a product that he can immediately process into what the school wants. It is a fresh product. It hasn't been frozen. We are being able to provide a more economical commodity. He is able to put that into a final product that is very fresh and meets our specifications. Anything that you could recommend to us in a way that we could make this work better, we would be more than open to that, Mr. Chairman.

Chairman BOEHNER. I want to thank both of you for coming and testifying. We appreciate your testimony. I am sure in the coming months we will have an opportunity to meet with you again. Thank you very much.

Mr. BOST. Thank you, Mr. Chairman.

Chairman BOEHNER. I would now like to seat our second panel.

I want to welcome our second panel today. Let me begin by introducing each of them before we get into all of their testimony. Our first witness, Ms. Paula Cockwell, is the manager of nutrition services and warehouse operations for the Mapleton Public Schools and Adams County School District 14. She has worked in the school food service industry since 1985. She has been a director of child nutrition programs for 13 years. She recently completed a 2-year term as the American School Food Service Association Public Policy and Legislative Chair and is the current Colorado School Food Service Association Public Policy and Legislative Chair. Welcome.

Our second witness will be Mr. Thomas Stenzel, president and chief executive officer of the United Fresh Fruit and Vegetable Association. Prior to his current position, he served as president of the International Food Information Council and served 6 years on the U.S. Agricultural Policy Advisory Committee for Trade. We welcome you.

Our third witness, Dr. Joanne Slavin, is professor of nutrition at the University of Minnesota at St. Paul where she teaches courses in human nutrition, life-cycle nutrition, diet and disease. She is a member of the American Dietetic Association, American Society for Nutritional Sciences, American Association for Cancer Research, and serves as food science communicator for the Institute of Food Technologists. We welcome you.

Our fourth witness, Mr. Robinson Joslin, currently serves as president of the Ohio Soybean Association as well as being a member of the Ohio Farm Bureau, Corn Growers Association, Ohio Wheat Growers and the Ohio Pork Producers Association. He grows approximately 850 acres of corn, soybeans and wheat, producing commodity grain and identity-preserved soybeans and used to be one of my constituents. Used to be.

Our fifth witness in this group is Dr. Robert Heaney. He holds the John A. Creighton All-University Professorship at Creighton University in Omaha, Nebraska, where he works in the department of medicine. He is an internationally known expert in bone biology and has worked for more than 45 years studying osteoporosis and the health effects of dietary calcium. I want to welcome you.

As you all know, you have 5 minutes, thereabout. We are pretty lenient around here, but 5 minutes or so. Then we will ask questions after all five of you have testified.

With that, Ms. Cockwell, you may begin.

**STATEMENT OF PAULA COCKWELL, MANAGER OF NUTRITION SERVICES, ADAMS COUNTY SCHOOL DISTRICT #14, FOOD SERVICE DIRECTOR, MAPLETON PUBLIC SCHOOL DISTRICT, DENVER, COLORADO**

Ms. COCKWELL. Mr. Chairman, allow me to express our appreciation to you and the Committee for holding this hearing. The commodity distribution program is a very key part of our school meal programs. Schools across the country depend on the commodity foods purchased by USDA to help provide nutritious meals to more than 28 million children every day.

Commodity distribution to States constitutes about 20 percent of the food used for the school lunch programs. My programs generate \$3.7 million in revenue each year. I spend more than \$1.25 million on food purchases. Without Federal commodities, it would be nearly impossible for me to maintain a financially self-supporting program and still provide meals that meet our high nutrition and quality standards.

In the late 1980's, USDA convened a blue ribbon panel to evaluate the quality and nutrition of foods in the commodity program, resulting in improved product specifications and nutritional content. More recent changes have reduced the allowable fat levels in meat and other center-of-the-plate items.

In 1999, USDA undertook a reengineering effort to identify ways to further improve the commodity distribution program to meet the needs of key constituents, the producers and the consumers. I had the honor to serve as the leader for the Commodity Order Reengineering Team. The team's goal was to evaluate the system then in place and suggest alternative approaches. I am pleased to highlight the recommendations from our work group that have been incorporated into the Federal commodity program.

More commodities now parallel comparable products in the commercial sector. Evaluation showed that the additional costs for manufacturers of maintaining separate production lines and inventories inevitably passed through to the school district customer. Reducing or eliminating these costs increases the amount of agricultural products purchased by USDA and distributed to schools. Additionally, USDA greatly expanded the ability of further processors to substitute commercial product for commodity product as long as they are truly equivalent. USDA is also moving toward best value purchasing, which considers price, reliability of the supplier, quality and the acceptability of products to the consumers. I ask the Committee to encourage the Department to continue to move toward this model.

Additional team recommendations are still under consideration by the Department; for example, the development of a commercial specification for boneless beef with complete seamless commodity processing. Also, further processed foods are increasingly important to the majority of school food service programs. As schools struggle

to find qualified labor and keep costs down, processed products provide product consistency and maximize staff efficiencies.

Fully cooked end products also provide an added food safety measure for schools. However, currently each State must enter into an agreement with a processor, and processors interested in doing business with multiple States must have an agreement in each State. The team advised the use of national processing contracts to facilitate processing availability to all schools. USDA is testing this concept as a means to streamline the program and reduce paperwork, and the Department should be encouraged to continue with this effort.

USDA offers a wide variety of products to States; however, States make the decision on the products that they offer to local districts, sometimes limiting local choice. The team heard from school districts that had been told that certain products were unavailable, when, in fact, they were on the USDA offer lists. For example, sometimes small States cannot generate sufficient volume to meet the shipping minimums imposed by USDA. As first steps to address this issue, the Department has reduced minimum order levels and encouraged cooperative buying among the States. They are also developing an electronic ordering system which we hope will facilitate all schools having access to the full array of products that the Department offers.

An area of great interest to all of us is the availability of high-quality fresh produce. I have the good fortune to be in one of the eight States that were part of a pilot partnership with the Department of Defense for the distribution of fresh produce with a small portion of their entitlement commodity allocation. Augmenting the Federal pilot program, our State was able to negotiate with DOD so that school districts may purchase all of their fresh produce under the contract, paying for that portion that is not available under the commodity program with other Federal meal reimbursement.

The DOD program is a huge success. It ensures high quality and prices that reflect Federal economies of scale. I encourage this Committee to expand this program by both increasing the amount of commodity dollars available from the current entitlement level from \$50 million to \$100 million and by facilitating what Colorado has been able to do in allowing us to buy through DOD beyond our commodity entitlement.

There are two additional areas where we believe this Committee can have a positive effect on the Nation's farmers and children. First, appropriate 5 cents in commodities for school breakfasts. Schools currently receive commodity reimbursement only for lunches. Five cents in breakfast commodities will help schools increase the variety and nutritional quality of school breakfasts and at the same time help our growers.

The second area of concern is the way bonus commodities are accounted for in the school meal funding formula. As you know, a change imposed on the School Lunch Act in 1998 cut \$50 million in commodity assistance for school meals by counting bonus commodities, those purchased from market support, as part of a school's entitlement commodities. For the past 4 years, in a series of legislative actions, Congress has provided funding for these



bonus commodities and, more importantly, maintained the level of entitlement commodities. I encourage the Committee to continue these precedents by restoring the entitlement commodities at least for fiscal year 2004 through the continuing resolution extending the child nutrition programs or through the agricultural appropriations bill.

Mr. Chairman, Members of the Committee, again I thank you for this opportunity and look forward to our continued work together for the good of America's children.

Chairman BOEHNER. [Presiding.] Ms. Cockwell, thank you for your testimony.

[The prepared statement of Ms. Cockwell follows:]

**Statement of Paula Cockwell, Manager of Nutrition Services, Adams County School District 14 , Commerce City, Colorado, and Mapleton Public Schools, Denver, Colorado on behalf of the American School Food Service Association**

Mr. Chairman, members of the Committee, I am Paula Cockwell, Manager of Nutrition Services for Adams County School District 14 in Commerce City, Colorado, and Mapleton Public Schools in Denver, Colorado. Additionally, I am the immediate past chair of the Public Policy and Legislation Committee of the American School Food Service Association.

Mr. Chairman, allow me to express our appreciation to you and the Committee for holding this hearing. The commodity distribution program is a key part of our school meal programs. Schools across the country depend on the commodity foods purchased by USDA to help provide nutritious meals to more than 28 million children every day.

As you know, Section 2 of the Richard B. Russell National School Lunch Act makes it clear that one of the goals of the program is, "to encourage the domestic consumption of nutritious agricultural commodities." The important marriage between agriculture and child nutrition has stood the test of time and is still valid today.

The food distribution program makes enormous contributions to our school lunch program. Commodities constitute approximately 20% of food used by schools for the meal programs. My two school districts generate \$3.7 million in revenue each year. I spend more than \$1.25 million on food purchases. Without federal commodities, it would be nearly impossible for me to maintain a financially self-supporting program and still provide meals that meet our high nutrition and quality standards.

In the late 1980s USDA convened a blue ribbon panel to evaluate the quality and nutrition of foods in the commodity program. The Department implemented many of the panel's recommendations. Product specifications have improved and the foods offered under the program are consistent with our national nutrition and health goals. More recent changes have reduced the allowable fat levels in meat and other center-of-the-plate products further facilitating schools' ability to meet federal guidelines for nutritious meals in schools.

In 1999, USDA undertook a re-engineering effort to identify ways to further improve the commodity distribution program to meet the needs of its key constituents—producers and consumers. I had the honor to serve as leader for the CORE (Commodity Order Re-Engineering) Team, the group that looked into the food distribution program for schools. Our team included representatives from schools, state commodity distribution agencies, and USDA staff from the regional offices and three USDA agencies with responsibility for the commodity program. We also received significant input from our agriculture industry partners. The team's goal was to evaluate the system then in place and consider alternative approaches regardless of how radical or far-reaching those proposals might be.

I am pleased to report that many of the recommendations that our work group made have been incorporated into the federal commodity program. We felt that commodities should, to the extent possible, parallel comparable products in the commercial sector. The additional costs of maintaining separate production lines and inventories inevitably passes through to the consumer. Reducing or eliminating these non-value-added costs increases the amount of agricultural products purchased by USDA and distributed to schools. Additionally, USDA greatly expanded the ability of further processors to substitute commercial product for commodity product, as long as they are truly equivalent products. Also as a result of the re-engineering

process, USDA is moving towards "best-value" purchasing that considers not just price, but those factors like the reliability of the supplier and the quality and acceptability of products to consumers. I ask the Committee to encourage the Department to move toward this for a broad range of products.

Some recommendations of the task force are still being considered and support by the Committee for them would be greatly appreciated. For example, further processed foods are increasingly important to many school foodservice programs. As schools struggle to find qualified labor and keep costs down, processing relieves the need for some cooking staff. Further processed items provide a consistent product. And, finally, with our concern for food safety, fully cooked end-products are an added safety measure for schools. The current system provides uneven access to these food items. Each state must enter into its own agreement with a processor, and processors interested in doing business in multiple states must have a separate contract for each. The CORE team felt national processing contracts would facilitate processing for all schools. USDA is testing the concept of a national processing contract as a means to streamline the program and reduce paperwork, and the Department should be encouraged to continue this effort.

Along a similar vein, states sometimes limit the products offered by USDA that will be available to schools within that state. During our team process, we heard from school districts that had been told that certain products were not available to them when they were, in fact, on the offer lists USDA sent out. For example, a school in a small northwestern state wanted low-fat ground turkey. The state did not order any. The reason was that as a small state, they could not generate sufficient volume to meet the shipping minimums imposed by USDA. The Department has addressed this in several ways. They have reduced minimum order levels and encouraged cooperative buying among the states. Also, I am encouraged by the progress the Department has made in developing an electronic commodity ordering system (ECOS) and hope that this will facilitate all schools having access to the full array of products the Department buys.

An area of great interest to us all is the availability of high quality fresh produce. I have the good fortune to be in one of the eight states that were part of a pilot partnership with the Department of Defense for the distribution of fresh produce with a small portion of their entitlement commodity allocation. Augmenting the federal pilot program, our state was able to negotiate with DOD so that school districts that choose to do so, may purchase all of their fresh produce under the contract, paying for that portion that is not available under the commodity program with other federal meal reimbursements. The DOD program is an enormous success. It ensures high quality and prices that reflect federal economies of scale. I encourage the Committee to expand this program by both increasing the amount of commodity dollars available from the current entitlement level from \$50 million to \$100 million, and by facilitating what Colorado has been able to do in allowing us to buy through DOD beyond our commodity entitlement.

Finally, I would like to talk about the commodity reimbursement. There are two areas where I believe this Committee can have a positive effect for our farmers and our children. Schools currently receive commodity reimbursement for every school lunch served. We believe this needs to be extended to school breakfasts as well. Five cents in breakfast commodities will help schools improve the nutrition quality of school breakfast at the same time it helps our growers.

The other area of concern is the issue of bonus commodities and how they are accounted for in the school meal funding formula. As you know, a change imposed on the school lunch act in 1998 cut \$50 million in commodity assistance for school meals by counting bonus commodities, those purchased for market support, as part of a school's entitlement commodities. For the past four years, Congress has provided funding for these bonus commodities and, more importantly, maintaining the level of entitlement commodities in a series of legislative actions. I encourage the Committee to continue this by restoring the entitlement commodities, at least for fiscal year 2004, through the continuing resolution extending the child nutrition programs, or through the agricultural appropriations bill.

Mr. Chairman, members of the Committee, again I thank you for this opportunity and look forward to our continued work together for the good of America's children. I would be happy to answer any questions you may have.

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Chairman BOEHNER. Mr. Stenzel, you may begin.

**STATEMENT OF THOMAS M. STENZEL, PRESIDENT AND CEO,  
UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION**

Mr. STENZEL. Thank you, Mr. Chairman, members of the Committee. Since my written testimony offers plenty of detail for the record, let me focus here on just one key question: Do our Federal child nutrition programs adequately address today's crisis in childhood nutrition and obesity?

There is no doubt that our Federal nutrition programs have made a huge difference in feeding millions of American children. School breakfast and lunch are a valiant attempt to do good, but on any nutritional health scale today, our Nation's children are not getting healthier, but are instead on the front edge of an epidemic of obesity, diabetes and a whole array of chronic diseases. They are not making the right choices among foods, and they are not getting enough exercise. Schools are not the only solution to this crisis, but they have to be the cornerstone of teaching different behavior to the next generation.

Today there is an amazing consensus among U.S. and world health authorities for the simple health message that people need to eat five to nine servings of fruits and vegetables every day for good health. That advice literally leaps out to Americans from the Federal dietary guidelines, from the Healthy People 2010 goals and numerous other health recommendations. But despite that consensus, our Nation is a poster child for long-term self-destruction.

USDA's Economic Research Service reports that children age 6 to 19 average only one-half the recommended levels of fruit and vegetable consumption, and as Mr. Osborne pointed out earlier, 45 percent of children eat no fruit on a given day at all, and 20 percent eat less than one serving of vegetables. While we can demand that school meals meet nutrition standards on the plate, we can't force-feed the children. They make different food choices every day not just from the school vending machines and the a la carte items, but from the convenience stores and supermarkets and restaurants in the community. We are not going to insulate them from those choices. But giving students healthy meals that don't meet the quality and taste tests of that other competition dooms these programs to wishful thinking and actually in our case puts kids off of fruit and vegetable consumption instead of encouraging promotion.

My suggestion today is simple: Look at what works. If we see something that works, honor it, promote it, fund it and expand it. So I am going to ask the Committee to look long and hard at the fruit and vegetable pilot program that we have already talked about extensively. This small program, \$6 million in only 107 schools in 4 States and the Zuni Indian reservation, is rocking the nutrition world.

I have to speak plainly. After spending hundreds of millions of dollars on elaborate nutrition education programs over the years, we finally found one simple way to get kids to seriously increase their fruit and vegetable consumption: Give them a good quality fresh fruit or vegetable snack in the school. It is that simple. Total cost: 25 cents per student per day, less than the cost of most of those brochures we pass out. It is a simple concept, but let me thank USDA and the Food and Nutrition Service. They did a fantastic job implementing that pilot so well and so quickly. And also

the partnership of the National Cancer Institute's Five a Day Program has been key to its success.

If any members of the Committee have not yet studied the ERS report to Congress about this program, I urge you to do so. In a nutshell, it is simple. USDA gives grants to schools that then purchase and distribute fresh fruits and vegetables as a snack to students in their schools. The schools can choose what fruits and vegetables the kids like to eat, what time of day to deliver the snack and how they choose to deliver them to the students. In the pilot most of the elementary schools delivered a tray of fruit or cut vegetables to each classroom where teachers often use them in their lessons. Many of the high schools set up kiosks in the hall to provide easy snack choices for fast-paced kids while they are changing classes.

Could a simple program like this really make that big a difference? Look at the results. First, kids actually liked the choices, and they ate the fresh produce with no waste. The ERS reports what kids were eating: fresh carrots, celery, broccoli, cauliflower, cucumbers, tomatoes and peppers; the most popular fruits, fresh apples, bananas, oranges, pears, grapes, melon, pineapple, kiwi and strawberries. In this small pilot, most kids' consumption increased by at least a whole serving a day. That beats any long-term nutrition education program in actually changing behavior that I am aware of.

Compare that result with the types of fruits and vegetables that USDA is buying in its commodity purchasing programs today: dried trail mix, canned peaches, frozen strawberries and the like. There is nothing wrong with those products, but they are just not competitive in the real world of our children's food choices today. How many of you go to the grocery store to shop for your kids and choose frozen strawberries in a little tin or canned peaches? We just don't do it.

Let me quote again from this ERS report about what the schools were feeding the kids in this pilot program. Less than half of the schools served dried fruit of any kind. According to observers, dried fruit seemed to be less popular with children than fresh fruits and vegetables. Yet just a few days ago on September 30, the last day of the fiscal year, USDA proudly reported a purchase of \$42.2 million of dried fruits and tree nuts for the child nutrition programs. \$42.2 million. And we can't find the money to expand the simple pilot program that is only funded at \$6 million right now? Something is terribly wrong.

Yet I think the answer may be simple. In the 2002 farm bill, the Congress enacted a requirement that USDA purchase a minimum of \$200 million of fruits and vegetables for school lunch and other programs. That is required. They have to purchase a minimum of \$200 million. USDA could designate a portion of those funds that are already committed by law to expanding this fresh fruit and vegetable pilot program. For less than the amount that USDA spent on dried fruit and nuts last year, USDA could expand the pilot program to 25 schools in all 50 States. That is only 1,250 schools out of many thousands, 98,000 schools. But we need to extend this pilot to see if it works as well as it has thus far.

Let me conclude, Mr. Chairman, by reading you a letter. I have here for the Committee today over 100 letters and e-mails and comments from teachers and PTA leaders, parents and school food service officials who can firsthand testify to the value of this product. Dear Chairman Boehner, my name is Kathleen Green, and I'm the principal of an elementary school here in Iowa. We were blessed to have been the site for a fruit and vegetable pilot program this year. I cannot begin to tell you how much this has added to our neighborhood children. Our poverty rate is 64 percent, and most of the children here eat free or reduced lunch. We have noticed a decrease in the amount of food that is thrown away during our lunches. The children have experienced fruit and veggies that have previously never been encountered. They have learned that fruits and vegetables are a desirable snack instead of packaged, non-nutritious, overprocessed carbohydrates. The students have reported that when they have been in the grocery store, they show their parents what they have been eating at school and ask them to buy it. It has actually been a family learning experience. Many of our families think that a snack must be something with flour and sugar, and their children are actually teaching them a more healthful way. Thank you for this wonderful pilot program. Please, please, give us the chance to depend on this program. Money spent on early childhood nutrition is gold.

Thank you very much.

Chairman BOEHNER. Thank you, Mr. Stenzel.

[The prepared statement of Mr. Stenzel follows:]

**Statement of Thomas E. Stenzel, President and CEO, United Fresh Fruit & Vegetable Association**

*Introductions*

Good morning Mr. Chairman and Members of the Committee. My name is Tom Stenzel. I am President and CEO of United Fresh Fruit and Vegetable Association, the industry's national trade organization representing growers, packers, processors, marketers and distributors of all varieties of fresh fruits and vegetables, working together with our retail and foodservice customers, and our suppliers. I appreciate the opportunity to testify before the Committee on behalf of the U.S. fruit and vegetable industry regarding the future direction of federal child nutrition policy.

Across the life span, proper nutrition is critical in promoting health, preventing disease, and improving quality of life. Over a decade of research has revealed the health benefits of increased fruit and vegetable consumption in reducing the risk of cancer and numerous other serious illnesses including heart disease, stroke, and diabetes. According to federal government statistics, better nutrition could reduce the cost associated these diet-related diseases by a minimum of \$71 billion each year, enough to fully fund the entire USDA. Therefore federal nutrition policy and assistance programs should support incentives and key strategies that help Americans reach national health goals.

With obesity reaching epidemic proportions in the United States, greater attention must be focused on increasing produce consumption as a public health solution. The fruit and vegetable industry has the good fortune to offer consumers a healthy and nutritious product that is increasingly recognized as critical to the prevention of chronic diseases and maintaining overall good health. Therefore, increasing federal support and funding to promote fruit and vegetable consumption for chronic disease prevention and to reduce obesity should be a top priority for the nation.

Over the past several years, the fruit and vegetable industry has become aware of the importance of nutrition policy and involved in child nutrition policy. Previously, our industry had little involvement with child nutrition reauthorization efforts, leaving this process mostly to those who had a more historical association with these important programs. Frankly, we have been surprised with what we've learned. Despite the best efforts of many on this Committee and in the Congress,

the nutritional health of our nation's children has in far too many cases been secondary to other considerations.

- When states don't have adequate refrigeration or distribution systems, we still feed kids from 10 pound cans of soggy beans, instead of offering fresh vegetables they might like.
- We ask school officials to offer healthy meals, but low reimbursement rates encourage them to sell unhealthy competitive foods to break even on the business.
- Our supplemental benefits program to pass on surplus commodities from American agriculture is a free-for-all among commodity groups to fight for sales, leaving kids high-fat, and poor quality products that often wouldn't move through mainstream supermarkets.
- When the Congress for the past two years has asked USDA to add fruits and vegetables to the WIC program, we find out that WIC is more of an entitlement program for entrenched commodities, than for citizens who need a healthier WIC package.

It is clear that with obesity, diabetes and other nutrition-related chronic diseases at epidemic proportions in the United States, something has to change. Mr. Chairman, we submit that child nutrition programs must put public health first, and guarantee that school lunches, breakfasts, after-school snacks, and WIC become part of the solution rather than part of the problem. Congress must develop legislation that makes healthy meals, a healthy school food environment, and a healthy start for WIC recipients our nation's top priority in child nutrition programs.

So, how can we do that? As you review all the testimony before the committee—from the school foodservice association, the anti-hunger cause, the consumer groups, and more—you'll find that the one common goal of every group is increasing the availability of fresh fruits and vegetables in child nutrition programs. It doesn't matter whether we're talking about school lunch or WIC, the Committee should keep one overriding principle in mind as you write this bill: What are we doing to increase fresh fruits and vegetables in child nutrition program?

#### Core Objectives for Child Nutrition Reauthorization

Increasing federal support and funding to create greater awareness of the benefits provided by fruit and vegetable consumption with respect to disease prevention and intervention efforts is a top priority of the produce industry. Ultimately, we believe the goal of any nutrition policy developed by Congress, the Administration, and interest groups should ensure federal child nutrition feeding programs support and encourage the health and well being of all Americans. Simply stated, the produce industry's supports the overall nutrition policy goal:

Federal nutrition policy should be developed which ensures the increase of produce consumption by focusing efforts to reshape national nutrition policy to anchor fruits and vegetable at the "center of the plate." In turn, the federal government should elevate its financial investment into nutrition program priorities to better address the significant role fruit and vegetables play in health promotion and disease prevention for all Americans. Ultimately, the goal of federal nutrition policy should be to extend, expand and enhance policies that recognize and would directly encourage fruit and vegetable as critical to promoting health and preventing an array of chronic diseases.

Within an overall commitment to increasing fresh fruits and vegetables in these programs, let me highlight several core priorities for you this afternoon.

- We support the recommendation of the American School Foodservice Association to increase reimbursement rates with the concept of a 10-cent per meal "healthy children supplement" to be devoted to improving the quality and healthfulness of school meals. Without greater funds, schools will continue to be forced to buy the lowest quality, cheapest, and least fresh product available.
- We support increased school breakfast programs, including expansion of the program to all children at no cost, and increased provision of commodities under the breakfast program.
- We support a new "Healthy Foods for Healthy Kids Initiative," to provide \$10 million annual for grants to states and school districts for innovative projects such as salad/garden bars, healthy vending programs, cold storage and other creative ways to increase fresh produce.
- We support expansion of the DOD fresh program from \$50 million annually to \$100 million annually. This critical program is oversubscribed each year as it is the most practical way schools can receive frequent small deliveries of fresh produce under USDA programs.
- We support making USDA commodity purchases for schools conform to the U.S. Dietary Guidelines for Americans. It makes no sense to take high-fat or excess

commodities and give those to schools. Let's make sure to provide commodities in the proportion called for in the Dietary Guidelines.

- We support a major research and education agenda at USDA to reflect its new commitment to the National 5 A Day Partnership. This program traditionally led by the National Cancer Institute has been expanded to multiple branches of government and public private partners. We commend Under Secretary Bost and Secretary Veneman for signing a Memorandum of Understanding with HHS supporting the 5 A Day Program, and now we need to see this successful program grow. Specifically, we support the USDA appoint 5 A Day coordinators in each state to work with state and local partners, as well as designated a permanent 5 A Day office within USDA to provide national leadership.
- Finally, on WIC, we strongly support the science-based revision of the WIC packages to increase fruits and vegetables offered to recipients. On April 24, 2000, USDA published, in the Unified Agenda section of the Federal Register, a notice about a rule FNS was developing to revise the WIC food packages to add nutrient-dense leafy and other dark green and orange vegetables to food packages for women and children. The time line contained in that notice indicated that a proposed rule would be published in September 2000. You know the rest—even after several years of direction from Congress to publish the revised WIC package proposal, USDA has failed to do so. While USDA now seeks to have yet another study of the WIC program, the Congress should direct USDA to publish a proposed final rule within 120 days of this legislation's enactment so that further delay is not allowed.

Mr. Chairman, this is not an exhaustive list, but gives you a sense of the clarity and specificity of the recommendations contained in our document titled *A Fresh Start to Better Nutritional Choices—2003 Child Federal Policy Recommendations for Child Nutrition Programs* which is attached to my prepared statement. This document includes 31 specific legislative recommendations covering seven key issue areas in child nutrition. I ask you to examine all of these areas for cost-effective and successful strategies for increasing fresh fruits and vegetables throughout child nutrition programs.

*Expansion of the Fresh Fruit and Vegetable Pilot Program*

The single most important program I want to talk with you about today is USDA's fresh fruit and vegetable pilot program launched in the 2002 Farm Bill. On behalf of the 107 schools in the pilot program, I bring you unqualified and enthusiastic support from teachers, parents, school foodservice officials, principals, school nurses,—and yes, even the kids—for continuing and expanding the fresh fruit and vegetable pilot program.

In the 2002 Farm Bill, Congress authorized a \$6 million Fruit and Vegetable Pilot program in fiscal year 03 to provide free fruit and vegetable snacks to students in 25 schools each in Michigan, Ohio, Indiana and Iowa, and seven schools in the Zuni Nation in New Mexico. In record time, USDA organized a basic pilot program and sent an announcement to the states, wondering whether many schools would volunteer to participate. With over 800 schools coming forward, USDA was hard pressed to select just 107 schools to participate in the program. Because of the efforts of Chairman Boehner and this committee, the program has been extended for the current schools through the fiscal year 04 school year.

Beginning in October 2002, the pilot program has produced an unprecedented success story changing the lives of children and the healthy food environment of every school participating. On March 25–26, 2003, USDA and the National Cancer Institute, supporter of the National 5 A Day Program, co-hosted a conference in Indianapolis of teachers, food service personnel, principals, school nurses, parent-teacher organizations, education administrators and more to report preliminary results of the program. The reports, from participants in the conference are overwhelming.

"In my 32 years of teaching, I've never seen a program make such a tremendous difference in the lives of our kids." Teacher

"If we don't have the fruit and vegetable snack program next fall, I'm not coming to school the first week because the kids would kill me." Foodservice Director

"Visits to our nursing office are down, and the kids are missing less school due to sickness." School Nurse

"Kids are trying new fruits and vegetables and then asking their parents to buy them at home." Teacher

"We didn't expect it, but kids are actually eating more fruits and vegetables from the regular school lunch, and our overall sales are up." Foodservice Director

U.S. Department of Agriculture's Economic Research Service (ERS) has further backed up the positive result of this program. In May they released a report to Congress citing that participating schools thought the USDA Fruit and Vegetable Pilot Program was successful and feel strongly that the pilot should be continued. As you are aware, the ERS was directed by Congress to develop a report this year to evaluate the pilot program. ERS based their analyses on site visits to schools, administrative records, interviews, focus groups, and other people directly involved in the administration of the pilot program. In the report, schools believed that the pilot program lessened the risk of obesity, encouraged children to eat healthier foods, increased children's awareness of a variety of fruits and vegetables, and helped children who would otherwise go hungry eat more food. The report cited that 99% of the schools thought the program was successful and all but two schools reported little to no food waste. Finally, USDA's Under Secretary for Food, Nutrition, and Consumer Services Eric Bost has testified that the Administration would like to extend and significantly expand this important program as part of the Senate Child nutrition hearings held earlier this year. We want to salute the Administration for their great work of getting the pilot program started and implemented as well as their strong support for expanding this important program to more states.

After decades of working to teach school kids to make healthy food choices, we've finally learned the secret to increasing their consumption—put appealing, good-tasting, fresh fruits and veggies in front of them and they'll love you for it. All this just because the government spent a modest amount to give them a healthy fruit and vegetable snack at school. More importantly, that single lesson may help launch the most effective program in truly transforming the school food environment and increasing actual consumption of fruits and vegetables to meet U.S. Dietary Guidelines. With the rapidly growing obesity epidemic, we need to commit to providing students with healthy options, nutrition education, and programs that work to make a difference in the eating patterns of school children and to encourage healthy eating habits that last a lifetime. The fruit and vegetable pilot program must be expanded to reach school children in all 50 states. When we're lucky enough to find a simple program that works, let's not keep reinventing the wheel but simply go forward aggressively to make this available across the country.

#### *USDA Procurement and Distribution Systems*

We also greatly appreciate the Committee's interest in USDA's procurement and distribution system and the opportunity to discuss this system with you. The USDA Agricultural Marketing Service (AMS) has purchased and distributed U.S. produced products since 1935. Purchases are authorized under Section 32 for the Agricultural Act of 1935. This Act was designed to bolster declining agricultural commodity prices during the Depression and to help feed the growing number of hungry Americans. Through Section 32 of the Act, permanent appropriation was authorized that provides, in part, funds to the Secretary of Agriculture on an annual basis for surplus removal and price support for commodity markets. Section 32 funds are allocated each year to AMS procurement staff to purchase poultry and egg products, meat, fish, and fresh and processed fruits and vegetables. Besides Section 32 purchases, AMS also purchases products on behalf of FNS for other Federal food assistance programs. Recipients include the elderly, Indian reservations, needy families, and the homeless.

AMS purchases must satisfy three goals—support markets, provide commodities that meet entitlement needs and be 100% domestic grown and processed. The major outlet for commodities purchased is the National School Lunch Program. Besides the entitlement funds which are allocated to AMS each fiscal year to meet school lunch commodity needs, Section 32 funds are also held in reserve by the Secretary for emergency surplus removal needs and disaster feeding programs. The reserve is called Section 32 contingency funds and can be replenished each fiscal year up to \$500 million. The contingency funds are available for market stability programs when Section 32 entitlement funds are not available or when entitlement funding is insufficient to meet market needs. AMS may also purchase commodities for school lunch entitlement with funds authorized under Section 6 of the National School Lunch Act. This Act provides for the purchase of commodities without regard for surplus removal needs. USDA commodity procurement purchased about \$617 million worth of fruits and vegetables in fiscal year 2001. Of this amount less than 5% (\$32 million) of those purchases were for fresh fruits and vegetables. The bulk of this funding went to dried, canned, and frozen fruits and vegetable purchases.

One must now ask so what's the big deal if it is canned, frozen, fresh, or dried? Unfortunately, when states don't have adequate infrastructures for their schools to adequately refrigerate, distribute, or prepare fresh produce, we are inclined to continue to feed kids from bulk cans of soggy vegetables or frozen fruit, instead of offer-



ing fresh produce they might like. As we have seen with the pilot program it does make a difference and can have an impact on children eating fruits and vegetables. In fact ERS's own report on the pilot stated that children preferred fresh fruits and vegetables over the dried trail mix and fruit. Therefore USDA's current procurement and distribution system is woefully inadequate to handle fresh produce for the federal child nutrition programs.

USDA has stated many times having a difficult time buying fresh produce in part because of the distribution system at the department is adequate to handle highly perishable products. It is our belief that due to lack of infrastructure investment in schools by the federal government, the ability to provide fresh fruits and vegetables for school feeding programs continues to be inadequate. In addition, logistical transportation issues continue to impede the delivery and availability of fresh fruits and vegetables in school feeding programs. This must infrastructure hurdle must be changed and the Committee has an opportunity to take action to make a change now.

One program that has worked is the "DOD Fresh Program." The 2002 Farm includes language which allows for additional purchases under Section 32. This program provides \$50 million in funding each year for the purchase of fresh fruits and vegetables for the schools, pursuant to existing authority under the School Lunch Act. Through a 1995 memorandum of agreement between the AMS, FNS, and the Defense Personnel Support Center (DPSC), the Department of Defense serves as the servicing agency for the procurement of these fresh fruits and vegetables through the "DOD Fresh" program.

Through this unique partnership between USDA and the Department of Defense, the utilization of fresh fruits and vegetables in schools is increasing. DOD/DPSC has provided a mechanism for delivering smaller quantities, less than a truckload, of fresh fruits and vegetables to schools and Indian reservations. DOD's distribution system is able to make more frequent deliveries of a greater variety of fresh fruits and vegetables in smaller delivery windows. The DOD program has been successful because the fruits and vegetables arrive in good condition and in smaller quantities that can be used while they are still fresh and in time for the planned school menus. DOD delivers fresh fruits and vegetables to 39 States, Indian Reservations, Guam and Puerto Rico in support of the National School Lunch Program and the Food Distribution Program on Indian Reservations. About 200 produce items of domestic origin are available for schools through the program. Most of these foods are available nationwide, but many are only regionally available.

While the DOD program has been extremely successful, one must ask why the Department of Agriculture cannot find the ability to address procurement and distribution problems for fresh produce. There answer for the last 8 years has been to just contract with the Department of Defense to handle this situation. We believe that this must change and USDA must take responsibility for targeting adequate resources to address their infrastructure needs for fresh produce.

*Congressional Action to Enhance Fruits and Vegetables in Child Nutrition Programs*

There is no more important issue facing our country than investing in our children to fight today's alarming obesity and health crises. We are pleased that Congress is now recognizing the importance of significantly increasing the availability of fresh fruits and vegetables in federal nutrition programs and give children's nutrition the priority it deserves with the introduction of several important legislative bills in the U.S. House of Representatives.

H.R. 2592, The Healthy America Act, introduced in June by Congressman Adam Putnam (R-FL) and Congressman Dennis Cardoza (D-CA), is designed to significantly increase the availability of fresh fruits and vegetables in nutrition programs supported by the federal government. The Healthy America Act includes a number of priorities submitted to Congress in April during Senate testimony by United Chairman of the Board Karen Caplan, Frieda's, Inc and recommendations presented to the Committee today. The Act calls for expansion of the fruit and vegetable pilot snack program to schools in all 50 states, inclusion of fresh fruits and vegetables in the WIC program, increased funding for the school breakfast program, and a doubling of the Department of Defense fresh produce purchase program for schools.

Congressman Doc Hastings (R-WA) has introduced H.R. 2832, the Healthy Nutrition for America's Children Act which would expand the fruit and vegetable pilot program to all 50 states. Just last week Congressman Hastings spoke to the students in his district about the benefits of fruits and vegetables as part of a healthy diet. We want to also salute Congressman Hastings, Congressman Osborne, and Congressman Wilson and the other House cosponsors for their support to expand the pilot program.

With the introduction of these bills, now is the time for all of us to work together in a bipartisan fashion to put in place actual solutions to these challenges, not excuses for failing to act. Congress must develop legislation to make healthfulness, freshness and quality equal components of school breakfasts and lunches, to build a healthier school environment that truly teaches lifelong wise food choices, and to launch a smarter start for WIC recipients that can be incorporated into healthy diets long after leaving the program. These legislative initiatives take us down that path. We strongly encourage Committee Members to include this legislation in the Committee's work on developing child nutrition reauthorization legislation this year.

*Conclusion*

Since 1946, with the creation of the National School Lunch Program, child nutrition programs have been a vital link in providing access to nourishing meals for 25 million school children each day. Congress is now debating future funding and options for child nutrition programs such as school lunches, breakfast, after-school and summer programs, the Women, Infants and Children (WIC) nutrition program and more. With nutrition research continuing to confirm the importance of consuming 5-to-9 servings a day of fruits and vegetables, and obesity reaching epidemic proportions, these child nutrition programs are a critical opportunity to improve public health.

Yet, the importance of fruits and vegetables not only for nutrition but as a tool for teaching children healthy choices over a lifetime has been too often overlooked in these programs. I don't need to repeat the facts about today's crisis in childhood obesity and poor nutrition, which is leading to a future legacy of disease and staggering health care costs. We tell WIC recipients to eat more fruits and vegetables, but the WIC food packages don't include these very products. We tell schools to serve more fruits and vegetables, and then supply them with heavily processed foods and surplus commodities, rather than the freshest highest quality produce that kids would like to eat. Now, that can change as Congress renews and updates the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966.

It's a tragedy that research shows that on any given day, 45% of children eat no fruit and 20% eat less than one serving of vegetables. Yet at the same time, a GAO study released in September 2002 found federal nutrition programs such as the School Lunch program and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) did not reach their potential for increasing the consumption of fruit and vegetables to yield health benefits for Americans. With obesity rates reaching epidemic proportions in the United States, greater attention must be focused on increasing fruit and vegetable consumption as a public health solution. Thank you Mr. Chairman and I will be happy to answer any questions at this time and look forward to working with you during your consideration of this important reauthorization process.

*Attachments*

- a. A Fresh Start to Better Nutritional Choices—2003 Child Federal Policy Recommendations for Child Nutrition Programs. United Fresh Fruit and Vegetable Association, (April 2003).
- b. USDA's Fruit and Vegetable Program Works! Produce for Better Health Foundation and United Fresh Fruit and Vegetable Association, (May 2003).

[Attachments to Mr. Stenzel's statement have been retained in the Committee's official files.]

Chairman BOEHNER. Ms. Slavin.

**STATEMENT OF JOANNE L. SLAVIN, PROFESSOR OF NUTRITION, DEPARTMENT OF FOOD SCIENCE AND NUTRITION, UNIVERSITY OF MINNESOTA**

Ms. SLAVIN. Thank you for the opportunity to submit verbal and written testimony relevant to the nutritional needs of children and dietary requirements of the National School Lunch Program. I am here on behalf of the Wheat Foods Council, a nonprofit organization dedicated to increasing public awareness of the importance of grain foods, whole grains and fiber in a healthful diet.

Grain foods provide many elements essential to growing children: complex carbohydrates; vitamins such as niacin, thiamin, riboflavin and folic acid; minerals important to children such as iron; plant protein; phytochemicals; and dietary fiber. Research continues to support grain foods at the base of the USDA food guide pyramid, with whole grains comprising a significant part of the base. The current U.S. Dietary Guidelines for Americans recommend that Americans eat a variety of grain foods each day with particular focus on whole grains.

Whole grain foods have been linked to protecting people from a number of chronic diseases, including cardiovascular disease, cancer, and diabetes. The reauthorization of the Child Nutrition Act, along with the Richard B. Russell National School Lunch Act, provides Congress with the opportunity to review and strengthen current nutrition standards for grain foods, particularly whole grains.

When the School Meals Initiative for Healthy Children was implemented in 1995, whole grain foods and fiber intake were not included as requirements because recommendations were not available at that time. Since 1995, the 2000 dietary guidelines for Americans changed to a new focus on grain foods with an emphasis on whole grains, and in 2002 the Institute of Medicine established for the first time adequate intake levels of dietary fiber for children and adults.

The benefits of consuming adequate levels of dietary fiber are important for children as well as adults. Unfortunately, both children and adults do not consume enough fiber. Whole grain foods and their refined grain counterparts are important contributors of fiber. For example, whole wheat bread provides two or more grams of fiber per slice while white bread supplies about half a gram per slice. For Americans, white bread is an important contributor to dietary fiber in the diet, and as most parents know, white bread is a favorite choice for children.

Children are also familiar with ready-to-eat cereals and cereal snacks. Ready-to-eat cereal-based products can help children meet their dietary fiber intake needs because many ready-to-eat cereals contain 2 to 5 grams of fiber.

Led by the Department of Health and Human Services, Healthy People 2010 targets the needs for Americans age 2 and older to consume at least three servings of whole grains per day. Using this goal as a guideline, the inclusion of a whole grain choice in the National School Lunch Program and the School Breakfast Program will benefit our Nation's children.

However, the serve-it-and-they-will-eat-it philosophy is not recommended. Schools will need pilot programs similar to the USDA's pilot fruit and vegetable program, along with education of classroom and marketing resources, to help children increase their intake of whole grain foods.

School food programs provide excellent opportunities for children from all socioeconomic backgrounds to try new foods and develop healthy eating patterns. Many experts believe nutrition intervention should begin before 6th grade because children are not as resistant to change. We know whole grains are good for children, but if we want children and adults to increase whole grain consump-

tion, we need to introduce whole grains to children when they are eager to learn.

One way schools could help children increase whole grain consumption is to introduce whole grain foods gradually. Serving partial whole grain foods can help achieve this goal. For example, schools could offer sandwiches made with one piece of whole grain bread and one piece of white bread; pasta dishes with mixed with half portions of whole grain pasta. Manufacturers are generally very eager to sell products to school food services, due to volume, and once a whole grain standard is implemented, it is likely they will find ways to make whole grain foods more attractive to children.

Children enjoy grain foods for many reasons, and we know that children are more likely to eat grain foods than fruits and vegetables. A 2002 report to Congress on plate waste and school nutrition programs showed that children wasted 1.6 to 3 times more fruits and vegetables on their plates than they wasted breads and other grain foods.

Grain foods are also popular with school food service personnel. In fact, a recent survey showed that 80 percent of food service personnel surveyed were somewhat or very motivated to serve whole grain foods in schools, and 88 percent believed whole grain foods will provide health benefits to students if they are included on school menus.

Whether children are served whole or enriched grain foods, both options provide tremendous nutritional benefits. Grain foods are often misunderstood, and most people do not know that both white bread and whole grain bread are rich in antioxidants. In fact, both white bread and whole grain bread, on average, contain as much or more antioxidant activity as common fruits and vegetables. Children at a young age may not be as concerned about the health benefits of grains, but it is our job to ensure that they have every opportunity to include them in their diet.

With all the myths surrounding protein and fat in popular weight loss diets, carbohydrate-based foods appear to be unappreciated by the media and misdirected consumers. Nutritionists who are knowledgeable about the importance of consuming a well-balanced diet need your help to ensure that children and consumers select a diet rich in grain-based foods.

Thank you for the opportunity to provide these comments. On behalf of the Wheat Foods Council and myself, we urge you to legislate and fund whole grain offerings and pilot programs for the National School Lunch Program and other child nutrition programs.

Chairman BOEHNER. Thank you, Dr. Slavin.

[The prepared statement of Ms. Slavin follows:]

**Statement of Joanne L. Slavin, Ph.D., R.D., Professor of Nutrition,  
Department of Food Science and Nutrition, University of Minnesota**

October 3, 2003

The Honorable John A. Boehner  
Chairman  
Committee on Education and the Workforce  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, D.C. 20515-6100

Dear Mr. Chairman:

Thank you for the opportunity to submit verbal and written testimony relevant to the nutritional needs of children and dietary requirements of the National School Lunch Program (NSLP). I am here on behalf of the Wheat Foods Council, a non-profit organization dedicated to increasing public awareness of the importance of grain foods, whole grains, and fiber in a healthful diet.

Grain foods provide many elements essential to growing children—complex carbohydrates; vitamins such as niacin, thiamin, riboflavin and folic acid; minerals important to children, such as iron; plant protein; phytochemicals and dietary fiber. Research continues to support grain foods at the base of the USDA Food Guide Pyramid, with whole grains comprising a significant part of the base. The 2000 Dietary Guidelines Advisory Committee emphasized whole grain consumption because they recognized the health benefits associated with eating whole grain foods. The current U.S. Dietary Guidelines for Americans recommend that Americans eat a variety of grain foods each day, with particular focus on whole grains. This was a wise addition to the guidelines and, as a result of evolving research on grains in the diet, it is anticipated that the 2005 Dietary Guidelines Advisory Committee will update the guidelines with a whole grain serving recommendation.

Whole grain foods have been linked to protecting people from a number of chronic diseases, including cardiovascular disease, cancer, and diabetes. The reauthorization of the Child Nutrition Act, along with the Richard B. Russell National School Lunch Act, provides Congress with the opportunity to review and strengthen current nutrition standards for grain foods, particularly whole grains.

The NSLP not only contributes to the nutritional well-being of children, it also acquaints children with healthy dietary choices because the program requires participating schools to offer foods that meet set nutritional standards. When the School Meals Initiative for Healthy Children was implemented in 1995, whole grain foods and fiber intake were not included as requirements because recommendations were not available at that time. Since 1995, the 2000 Dietary Guidelines for Americans changed to a new focus on grain foods, with an emphasis on whole grains and, in 2002, the Institute of Medicine established, for the first time, adequate intake levels of dietary fiber for children and adults.

The recommended dietary intake of fiber for school-age children ranges from 25 grams of total fiber per day (four- to eight-year-old children), to as high as 38 grams per day (14- to 18-year-old boys)<sup>1</sup>. Recommendations are based on caloric intake and, as children grow and need more calories, they also need more dietary fiber.

The benefits of consuming adequate levels of dietary fiber are important for children as well as adults. Unfortunately, both children and adults do not consume enough dietary fiber<sup>1</sup>.

Whole grain foods and their refined grain counterparts are important contributors of dietary fiber. For example, whole-wheat bread provides two or more grams of fiber per slice, and white bread supplies about 0.5 grams of dietary fiber per slice<sup>2</sup>. For Americans, white bread is the most important contributor to dietary fiber in the diet and, as most parents already know, white bread is a favorite choice for children. A survey of eight to 11 year olds showed that 72 percent of the children surveyed preferred white bread<sup>3</sup>. Children also are familiar with ready-to-eat cereal and cereal snacks. Ready-to-eat cereal-based products can help children meet their dietary fiber intake needs because many ready-to-eat cereals contain two to five grams of fiber<sup>4</sup>. In fact, cereal and cereal snacks are not only kid friendly, they can also be one of the best foods to eat to meet daily fiber intake needs.

According to the USDA's 1994 96 Continuing Survey of Food Intakes by Individuals, children eat on average 0.8-1.1 servings of whole grains per day<sup>5</sup>. Only 2 percent of 6 to 11 year olds and 6 percent of 12 to 19 year olds consume at least six daily servings of grain foods, with at least three being whole grains<sup>6</sup>. Led by the Department of Health and Human Services, Healthy People 2010 targets the need for Americans aged two years and older to consume at least three whole grain foods per day. Using this goal as a guideline, the inclusion of a whole grain choice in the NSLP and the School Breakfast Program will benefit our Nation's children.

However, the serve-it-and-they-will-eat-it philosophy is not recommended. Schools will need pilot programs, similar to the USDA's pilot fruit and vegetable program, along with educational, classroom, and marketing resources to help students increase their intake of whole grain foods.

School food programs provide excellent opportunities for children from all socioeconomic backgrounds to try new foods and develop healthy eating behaviors. Many experts believe nutrition intervention should begin before sixth grade because children are not as resistant to change<sup>7</sup>. We know whole grains are good for children, but if we want children and more adults to increase whole grain consumption, we

need to introduce whole grains to children when they are eager to learn. Many children will accept new foods if they are offered to them multiple times. Schools are uniquely positioned to offer a wide variety of healthy foods—so that children not only may learn about them, but learn also to select them for a healthful diet.

One way schools can help children increase whole grain consumption is to introduce whole grain foods gradually. Serving partial whole grain foods can help achieve this goal. For example, schools could offer sandwiches made with one piece of whole grain bread and one piece of white bread, or pasta dishes mixed with one-half portion of whole grain pasta and one-half portion of enriched pasta. Additionally, school bakeries and manufacturers could produce more partial whole grain foods such as pizza dough, baked goods, and snacks. Manufacturers are generally very eager to sell products to school foodservices due to volume and, once a whole grain standard is implemented, it is highly likely they will find ways to make whole grain foods more attractive to children.

Currently, there are many whole grain foods available, but marketing them and serving them as kid-friendly foods will be important for success. Some whole grain foods are already kid friendly. Whole grain cereals, whole grain snacks, whole grain crackers, and pizza made with whole grain flour, will certainly be acceptable to school children. Children tell us that food shape, color, and flavor are important to them, and peer pressure plays a role in deciding which foods they choose<sup>5</sup>. We urge Congress to earmark research funds for pilot programs to help schools increase whole grain consumption in kid-friendly ways.

Children enjoy grain foods for many reasons, and we know that children are more likely to eat grain foods than fruits and vegetables. A 2002 report to Congress on plate waste in school nutrition programs showed that children wasted 1.6 to three times more fruits and vegetables on their plates than they wasted breads and other grain foods<sup>9</sup>.

Grain foods also are popular with school foodservice personnel. Most school foodservices must be self-sufficient, and grain foods are an important part of their menus because they are economical, popular with children, versatile, easy to prepare, and available from a wide variety of vendors year-round. In fact, a recent survey showed that 80 percent of foodservice personnel surveyed were somewhat or very motivated to serve whole grain foods at schools, and 88 percent believed whole grain foods will provide health benefits to students if they are included on school menus<sup>8</sup>.

Whether children are served whole or enriched grain foods, both options provide tremendous nutritional benefits. Grain foods are the major source of carbohydrates in our diets, and they serve as excellent foods to fortify our diets with vitamins, minerals, phytochemicals, and antioxidants. Grain foods are often misunderstood, and most people do not know that both white bread and whole grain bread are rich in antioxidants. In fact, both white bread and whole grain bread, on average, contain as much or more antioxidant activity than common vegetables and fruits<sup>8</sup>. Children, at their young age, may not be as concerned about the health benefits of grains, but it is our job to ensure that they have every opportunity to include them in their diets.

With all the myths surrounding protein and fat in popular weight-loss diets, carbohydrate-based foods appear to be unappreciated by the media and misdirected consumers. Nutritionists, who are knowledgeable about the importance of consuming a well-balanced diet, need your help to ensure that children and consumers select a diet rich in grain-based foods. Government funds nutrition programs to help children reach optimal health and well-being, and grain-based foods are instrumental in reaching these goals.

Thank you for the opportunity to provide these comments. On behalf of the Wheat Foods Council and myself, we urge you to legislate and fund whole grain offerings and pilot programs for the NSLP and other child nutrition programs.

Sincerely,

Joanne L. Slavin, Ph.D., R.D.  
Professor of Nutrition  
University of Minnesota

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Chairman BOEHNER. Mr. Joslin.

**STATEMENT OF ROBINSON W. JOSLIN**

Mr. JOSLIN. Mr. Chairman and other members of the Committee, I want to thank you for inviting me to testify at this important hearing on the dietary requirements of the National School Lunch Program, and whether these requirements are contributing adequately to the overall nutritional needs of students.

My name is Rob Joslin, as Mr. Chairman already stated. I am not really an expert witness; I am a soybean farmer from Sidney, Ohio. I also serve as President of the Ohio Soybean Association.

Today, I am representing both the American Soybean Association and the Soy Foods Association of North America. Members of these two organizations care greatly about nutritional adequacy of students' diets, and want Congress to modify the current laws to assure that schools can easily provide nutritional foods for all children regardless of their health, cultural, or religious needs.

As part of efforts to reauthorize the Child Nutrition Programs, we ask the Committee to include language that provides schools an option to offer students soy milk that meets the nutritional requirements as prescribed by the Secretary. I feel there is a clear need to allow local control in this matter.

I will summarize my testimony, and ask that the entire testimony be made part of the record. I will begin by sharing some background on why allowing soy milk is a beneficial option for children who do not drink cow's milk. Second, I will review the nutritional comparability of soy milk to cow's milk. And, finally, I will discuss some of the shortfalls of our current system.

I want to make one thing clear at the outset. I was raised on a dairy farm. I drink milk. I like milk. Providing an option to offer soy milk to meet the nutritional needs of children who do not drink dairy milk and, thus, are not served by the current Federal Child Nutrition Programs would complement, not replace, milk in the program.

This is not an issue of commodity versus commodity. A large portion of my soybean harvest and the soybean harvest of many farm-

ers is used to manufacture feed for dairy cows, but some is also used for manufacturing soy milk.

The desire to allow soy milk in the Federal Child Nutrition Program began with concerned food service directors. They requested soy milk as a reimbursable option for children who do not drink cow's milk. Soy milk would allow children a beverage containing protein, calcium, vitamin E and other essential nutrients for growth and development. School food service directors from across the country have written over 250 letters in support of soy milk as an option for their school children.

Let me clarify that what I am asking for and what the Soy Foods Association of North America and the American Soybean Association supports is allowing schools the option to offer fortified soy milk as part of a reimbursable meal in the USDA's Child Nutrition Programs. The language drafted by these organizations is not a mandate for soy milk. It would simply allow soy milk as a reimbursable option of schools serving children who do not drink cow's milk.

School food service directors are asking for this option because, according to USDA's own study, on average, 16 percent of the lunches selected by students in secondary schools did not include milk, and about 6 percent of the elementary school lunches did not include milk.

Because of allergies to bovine protein, lactose intolerance, or cultural religious practices, a growing number of students do not take full advantage of the Federal nutrition programs, including the School Lunch and School Breakfast Programs. These students presently do not consume dairy products. Remember, milk not consumed does not meet any nutritional needs. For example, Seventh Day Adventists follow a strict vegetarian diet and do not consume cow's milk. For these children, lactose free cow's milk is not an acceptable alternative.

A recent survey of food service directors sheds light on the need for soy milk in schools. I would like to read you one of their comments. A school food service director from Lewes, Delaware, wrote that, quote, "This product is definitely needed. The African American population in our district are low consumers of dairy. We offer 1 percent unflavored and skim and still need a soy product," end quote.

Congressman Kline asked about the cost of soy milk to schools. If this provision, giving the schools the option to offer soy milk to be reimbursed, is adopted, schools could plan their purchases. For example, schools could, No. 1, buy larger quantities to drop price; No. 2, buy products on the market that are now available at the same times they purchase milk; or three, request competitive bids from their suppliers.

Now, I would like to talk about nutritional comparability of soy milk to cow's milk. Fortified soy milk is a nutritional option for children not consuming dairy products. Fortified soy milk on the market today contains calcium, vitamin A and vitamin D equivalent to milk as well as vitamin B, iron, and high-quality protein.

The USDA's dietary guidelines for Americans and the food guide pyramid for children lists soy-based beverages with added calcium as a suitable source of calcium. In both the children's pyramid and



the dietary guidelines, calcium-fortified soy milk is the only beverage listed as a suitable milk alternative.

These Federal nutrition guidelines are meant to serve as a blueprint for Federal nutrition programs. The Soy Foods Association of America has submitted a letter recommending the USDA set nutritional requirements for soy milk served in Federal nutrition programs with established levels of protein, calcium, as well as vitamin A and vitamin D. USDA sets nutritional requirements for juice, cereals, and other foods used in these programs. I will submit a copy for the record.

Currently, the USDA does not reimburse schools for soy milk unless a student provides a statement from a physician or other recognized medical authority. For low-income households that do not have primary care physicians or health insurance, going to health care professionals and taking time from work may not be possible or affordable. We ask the Committee to amend the law to give schools the voluntary option to serve fortified soy milk, therefore not increasing the school's workload or adding to the financial burden on families.

In conclusion, I would like to thank the Members of the Committee for your commitment to the health and welfare of the Nation's children. Soy farmers, soy processors, soy food manufacturers share the goal of making our Federal nutrition programs more effective in improving the nutritional intake and health of our children. I urge you to ensure that schools have local control by offering a nutritious soy milk option to children receiving meals under the Federal nutrition programs.

Thank you very much.

Chairman BOEHNER. Thank you, Mr. Joslin.

[The prepared statement of Mr. Joslin follows:]

**Statement of Robinson W. Joslin, President, Ohio Soybean Association**

Mr. Chairman and other members of the Committee, I want to thank you for inviting me to testify at this important hearing on the dietary requirements of the National School Lunch Program and whether these requirements are contributing adequately to the overall nutritional needs of students. My name is Rob Joslin and I raise soybeans in Sidney, Ohio. I also serve as the President of the Ohio Soybean Association.

Today, I am representing both the American Soybean Association and the Soyfoods Association of North America. Members of these two organizations care greatly about the nutritional adequacy of the diets of students and want Congress to modify the current laws to assure that schools can easily provide nutritional foods for all children regardless of their health, cultural, or religious needs. As part of legislation to reauthorize the Child Nutrition Act and the Richard B. Russell National School Lunch Act, we ask the subcommittee to include language that provides schools an option to offer students soymilk that meets the nutritional requirements prescribed by the Secretary, as part of a reimbursable meal.

I would first like to share some background on why allowing soymilk is a beneficial option for children who do not drink cow's milk. Second, I will review the nutritional comparability of soymilk to cow's milk. Then, I will discuss some of the shortfalls of our current system. And finally, I will discuss childhood health and soy protein.

I want to make one thing clear at the outset. Providing an option to offer soymilk to meet the nutritional needs of children who do not drink milk and thus are not served by the current federal child nutrition programs, would complement, not replace cow's milk in the program. This is not an issue of commodity versus commodity. A large portion of my soybean harvest as well as many other soybean farmers, is used to manufacture feed for dairy cows, but some is used to make soymilk. I believe soymilk provides a nutritious beverage option to children who do not consume cow's milk. I am not alone in this belief. The desire to allow soymilk in the

federal child nutrition programs began with concerned school foodservice directors requesting soymilk as a reimbursable option for children who do not drink cow's milk to have an opportunity to consume a beverage containing protein, calcium, vitamin D and other essential nutrients for growth and development. School foodservice directors from across the country have written over 250 letters in support of soymilk as an option for their school children.

#### *OUR NATION'S CHILDREN NEED ANOTHER OPTION*

Let me clarify that what I am asking for, and what the Soyfoods Association of North America and the American Soybean Association support, is allowing schools the OPTION to offer fortified soymilk as part of a reimbursable meal in USDA's child nutrition programs. The language drafted by these organizations is not a mandate for soymilk. It would simply allow soymilk as a reimbursable option for schools serving children who do not drink cow's milk.

School foodservice directors are asking for this option because, according to the USDA's own study, "on an average day, 16% of lunches selected by students in secondary schools did not include milk and about 6% of elementary school lunches did not include milk." <sup>1</sup> Because of lactose intolerance, allergies to bovine protein, or cultural and religious practices, a growing number of students do not take full advantage of federal nutrition programs, including the School Lunch and School Breakfast Programs—these students cannot consume dairy products.

Some children who have lactose intolerance may be able to consume cow's milk, but many require an enzyme treated cow's milk or soymilk. But students have many other reasons for not consuming cow's milk that go beyond lactose intolerance. These reasons include cultural or religious beliefs, avoidance of animal products, and cow's milk allergy. For example, Seventh Day Adventists follow a strict vegetarian diet and do not consume cow's milk. It is estimated that up to 2.5% of infants and children are allergic to cow's milk. Symptoms of cow's milk allergy can include hives, rash, vomiting, diarrhea, breathing difficulties and drops in blood pressure<sup>2</sup>. For these children, lactose-free cow's milk is not an acceptable alternative.

Lactose intolerance is prevalent in some population groups as early as two years of age. Studies have shown lactose intolerance in up to 85% of Asian-American, 72% of African-American, 70% of Native American, 56% of Hispanic-American, and 21% of Caucasian-American school aged youth.<sup>3</sup> Many of those with lactose intolerance experience nausea, cramps, bloating, gas and diarrhea that may begin about 30 minutes to 2 hours after eating or drinking foods containing lactose.

A recent survey of foodservice directors shed light on the need for soymilk in schools. Some of their comments were as follows.

"This product is definitely needed. The African American population in our district are very low consumers of dairy. We offer 1% unflavored and skim and still need a soy product." Foodservice supervisor in Lewes, Delaware

"At the present time we have parents sending soymilk to school with their children. This would be a helpful service for parents if we could offer soymilk." Foodservice director in Lindstrom, Minnesota

"We have a growing population of vegetarian students and I think they would find this appealing." Foodservice director in Reynoldsburg, Ohio

"I think soymilk as a "mainstream" beverage would appeal to our Asian population which is 30% of the enrollment. I am very concerned that our students are not getting the calcium they need." Foodservice director in Union City, California

The 2000 Dietary Guidelines for Americans stress the importance of recognizing diversity within the American population and for alternative diets to meet the needs of an increasingly diverse population. Allowing soymilk as an option would accommodate the needs of growing numbers of children following alternative eating patterns.

#### *COMPARABILITY OF COST*

Some have raised concerns about the cost of soymilk compared to that of cow's milk. The language submitted with this testimony does not ask for an increase in the meal reimbursement rate to schools serving soymilk. If the language were adopted, schools would have the opportunity to obtain soymilk by various methods. Schools could request competitive bids from soymilk manufacturers; request that dairy bids include soymilk options; or purchase large quantities of 8-ounce cartons of soymilk from supermarkets or wholesale stores. We anticipate that the demand for soymilk in federal nutrition programs will begin slowly and increase steadily over time with increased awareness of this option for children. This phase-in would give suppliers time to formulate and package a product that could be priced competitively with cow's milk.

*FORTIFIED SOYMILK IS A NUTRITIONAL OPTION*

Fortified soymilk is a nutritional option for children not consuming dairy products. Fortified soymilk on the market today contains calcium, vitamin A and Vitamin D equivalent to milk, as well as iron, B vitamins and high quality protein. Fortified soymilk is also low in saturated fat and contains no cholesterol.

It is true that commercially available soymilk does vary in nutrient composition, but the language submitted along with this testimony would allow the Secretary of Agriculture to determine the nutritional requirements for soymilk offered in federal child nutrition programs, just as nutritional requirements are set for cereal and juice for these programs. The Soyfoods Association of North America (SANA) has submitted a letter recommending that USDA set nutritional requirements for soymilk served in federal nutrition programs that establish 7 grams of protein, 300 milligrams of calcium, as well as 100 IU of vitamin D and 500 IU of vitamin A per 8 ounce serving. Soymilk meeting these nutritional requirements would provide a nutritionally comparable product to cow's milk currently offered in the federal nutrition programs.

While the bioavailability of calcium in soymilk and cow's milk may differ, soymilk can still be a significant source of calcium in the diet. In addition, studies have found that in comparison with animal protein, soy protein decreases calcium excretion, presumably due to the lower sulfur amino acid content of soy protein<sup>4</sup>. It is important to note that most soymilk consumers are not replacing cow's milk, but are adding fortified soymilk to a diet that did not contain dairy products for medical, religious or ethical reasons. Therefore, they are adding a good source calcium, as well as vitamin D, vitamin A and B vitamins, to a diet that may have been lacking in these nutrients.

Many health groups recognize that fortified soymilk is an appropriate choice for children who do not consume dairy products. The USDA's 2000 Dietary Guidelines for Americans and Food Guide Pyramid for Young Children list "soy-based beverages with added calcium" as a suitable source of calcium. In both the children's Pyramid and the Dietary Guidelines, calcium fortified soymilk is the ONLY beverage listed as a suitable milk alternative. These federal nutrition guidelines are meant to serve as the blueprint for federal nutrition programs. We do not see our request as opening the door for calcium fortified juices or waters to be considered as suitable dairy milk alternatives, as these beverages do not contain high quality protein. The American Dietetic Association (ADA) and the American School Food Service Association (ASFS) also support providing the option of fortified soymilk as an alternative to cow's milk in federal nutrition programs.

In examining the composition of soymilk, questions have been raised about using a beverage that is fortified with calcium and vitamin D in the federal nutrition programs. The use of fortified foods in federal nutrition programs is not prohibited by federal or state regulations. In fact, vitamin and mineral fortification is very common among food products served in these programs. For example, cow's milk is fortified with vitamin D, and grain products are fortified with iron.

*INADEQUACY OF THE CURRENT SYSTEM*

Currently, USDA does not reimburse schools for soymilk unless the student provides a statement from a physician or other recognized medical authority. For low income households that do not have primary care physicians or health insurance, going to a health care professional and taking time from work may not be possible or affordable. The option of utilizing school nurses to provide medical clearance for children who wish to consume dairy products has also been considered but is not practical. Many schools have only part-time nurses on the premises, and national data shows that there is only one school nurse for every 822 American school-children.<sup>5</sup>

As stated earlier in this testimony, some children do not consume cow's milk for cultural, religious, and health reasons. Involvement of the medical community in providing documentation for children who do not consume cow's milk for non-medical reasons is inappropriate. We ask the Subcommittee to amend the law to give schools the choice to serve fortified soymilk without increasing the workload burden on school food service personnel and school nurses or adding to the financial load on families.

Moreover, offering soymilk on an a la carte basis is not practical for children who are low income and receive a free or reduced price meal, but cannot drink milk. Schools are not reimbursed for a la carte items, and children from low income families are often unable to purchase these options.

*CHILDHOOD HEALTH AND SOY PROTEIN*

Fortified soymilk can also play a role in the growing problem of childhood overweight and obesity. Recent studies show the number of overweight children in the United States is up 50% since 1991.<sup>6</sup> And, 60% of overweight children ages 5 to 10 have at least one risk factor for heart disease.<sup>7</sup> These children also show signs of heart disease and diabetes (i.e. elevated cholesterol and blood sugar) that are normally only found in adults.

Soy protein has been proven to reduce total cholesterol, especially LDL "bad" cholesterol, while maintaining HDL "good" cholesterol. Soy protein is recognized by both the Food and Drug Administration (FDA) and the American Heart Association as a means to reduce cholesterol and the risk of heart disease. In 1999, FDA approved the following health claim for soy protein:

"25 grams of soy protein a day, as part of a diet low in saturated fat and cholesterol, may reduce the risk of heart disease. A serving of (name of food) supplies (x) grams of soy protein.

Some early results from human trials suggest that soy also may have a role in reducing blood sugars and related signs of diabetes.<sup>8-9</sup> According to preliminary research, the early introduction of soy into children's diets also may delay or prevent the onset of cancer and osteoporosis in adulthood.<sup>10</sup>

*CONCLUSION*

I thank the members of the Committee for your commitment to the health and welfare of the nation's children. Soy farmers, soy processors, and soyfood manufacturers share the goal of making our federal nutrition programs effective in improving the nutritional intake and health of all children. I urge you to ensure that schools have the opportunity to offer a nutritious soy beverage to children receiving meals under federal child nutrition programs that do not consume dairy products.

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Chairman BOEHNER. Dr. Heaney.

**STATEMENT OF ROBERT P. HEANEY, M.D., F.A.C.P., F.A.C.N.**

Dr. HEANEY. Chairman Boehner, Mr. Kildee, Members of the Committee, thank you. I appreciate the opportunity of being here. I am physician; I am a biomedical scientist; I work as a faculty member at Creighton University in Omaha, Nebraska, Congressman Osborne's home state.

Greetings, Coach.

I am here to try to address some questions of science that you may have, and I hope that I will offer some useful information either in my testimony or in questions afterwards. I would like to deal with some of the objections that one sometimes hears raised against milk and to provide you with some evidence that there are effectively no substitutes for milk that we know of in today's diet.

Milk, you know, has been aptly described as nature's most perfect food. It has a cost per calorie that is less than that of the average food in a typical diet, and yet it packs in an amazing variety of nutrients: calcium, vitamin D, phosphorus, protein, potassium, magnesium, a host of vitamins, and a number of micronutrients that we haven't even figured out yet.

This country is in the midst of what several Federal agencies and health professions' organizations have termed a calcium crisis. After age 8 or 9, the typical American female takes in an amount of calcium per day which is half or less of the recommended intake for the rest of her life. Calcium is vital not just for the development of strong bones, but for many body systems. Low calcium intakes have been convincingly implicated in diseases as varied as high blood pressure, cardiovascular disease, diabetes, colorectal cancer, and even obesity in addition to its established role in osteoporosis.

But calcium is not the only critical nutrient. Studies that I performed in my laboratory at Creighton and confirmed by many other investigators show that diets low in calcium are typically low in up to four or more other nutrients as well. Different nutrients for different persons. But they are multiply deficient. We can remedy all those shortfalls with a single food, milk.

Now, one sometimes hears the issue of lactose intolerance raised, and I would like to deal with that for a moment. The fact is that people of all races are able to consume, digest, and benefit from milk without difficulty. We have heard that many Americans and perhaps the majority of minorities lack the enzyme in their own intestines that help the body break down milk sugar, and this is true. But the good news is, it actually doesn't matter. What is often ignored—and those of us who know something about animal husbandry understand this. What is often ignored is the fact that the digestion of our foods is a cooperative process between our own intestinal enzymes and those of our intestinal bacteria who work together with us to help digest our foods.

When our intestines lose the enzyme to break down milk sugar, our intestinal bacteria pick it up for us and carry on the process seamlessly. That is only true, however, if we feed them milk by drinking it ourselves. Persons who never stop drinking milk do not experience lactose intolerance regardless of race. And for those who have stopped, it only takes a few weeks of building up milk intake to get to the point where large quantities, more than would ever be served in a school lunch program, can be consumed without discomfort.

Furthermore, it is hurtful to say that people who lack the enzyme—races, minorities—can't digest milk because it convinces them that they shouldn't be drinking it, and that deprives them of a nutrient that may be very important for their health.

Among its other benefits of particular interest to African Americans is the fact that calcium helps maintain a normal blood pressure. High blood pressure starts during adolescence, and its consequences, that is, strokes and heart attacks occurring later in life, are major causes of morbidity and mortality for the African American population in this country.

The widely acclaimed DASH studies, Dietary Approaches to Stop Hypertension, supported by the National Heart, Lung, and Blood Institute of the NIH, showed that a high dairy intake reduced blood pressure sufficiently to prevent roughly one-fourth of all strokes and heart attacks in the United States, and in a study published just last summer in the *Journal of the American Medical Association*, a high dairy intake resulted in a 62 percent reduction in development of hypertension among young adults, black and white. These are huge benefits, larger than can be claimed for most drugs.

Finally, we have heard arguments that soy beverages should be allowed to substitute for cow's milk in federally sponsored meal programs. I want to be the first to say that soy beverages are wholesome and nutritious foods in their own right, but they are not substitutes for milk just as a potato is not a substitute for an orange.

Soy does not have the nutrient profile of milk. And in order to compensate for one of its deficiencies, soy beverage processors add calcium, as we have heard. And one might think that would be sufficient to make them equivalent, but unfortunately that is not the case. The added calcium is not fully available to the body.

In a study that I published 3 years ago, I found that despite having the same calcium content as cow milk, fortified soy beverage released substantially less of its calcium into the bloodstream. And just this past summer I tested all of the calcium-fortified soy and rice beverages that I could find in the Omaha market. In all of them, the calcium had settled down into the bottom of the carton as a heavy sludge. And although there was an instruction on the carton to shake before using, our experience in my laboratory was that it would have taken a hardware store paint shaker to suspend that calcium in the milk. What is worse, isotopic tracer tests that I performed on this calcium indicated that in several of the beverages the calcium was so coarse that it is unlikely that it would have been absorbable by the body.

But, as I have already said, there is more to the story than just calcium. Although the evidence is not yet all in, what is available indicates that milk has about twice the effect on blood pressure as does an equivalent quantity of calcium. The same is true with respect to weight control and obesity. Milk performs nearly twice as well as calcium alone. Moreover, milk improves the body's response to insulin while calcium has no effect.

No one knows what the special extra in milk may be. Scientists are working on it, but for now, substituting any other food for milk risks conveying a message that the other food is equivalent when it is not and depriving people of the full benefit no matter what the calcium content of the food may be.

So, in summary, Mr. Chairman, I think we all know that milk, as provided to the school children in this country, as well as before that in Great Britain, plays a very important role in improving the

nutritional status of our young people. There has been a decline in whole milk consumption, and the need today therefore for school milk intake is greater than it ever was in the past.

And I thank you for the opportunity of providing this testimony. Chairman BOEHNER. Dr. Heaney, thank you for your testimony. [The prepared statement of Dr. Heaney follows:]

**Statement of Robert P. Heaney, M.D., John A. Creighton University  
Professor, Professor of Medicine, Creighton University, Omaha, Nebraska**

My name is Robert P. Heaney. I am a physician and biomedical scientist, a faculty member of Creighton University in Omaha, Nebraska. I work primarily in the field of calcium and bone biology. I was a member of the Calcium and Related Nutrients Panel of the Food and Nutrition Board, Institute of Medicine, the group which released the most recent recommendations concerning calcium, phosphorus, and vitamin D intakes for the American public. I also chaired the Science Advisory Panel on Osteoporosis for the Office of Technology Assessment.

I am appearing before you to urge continued support for milk in the school lunch program, to reassure you that objections one sometimes hears against milk are scientifically groundless, and to provide you with evidence that there are effectively no substitutes for dairy foods if we are to meet the nutritional needs of our school age children.

*The Role of Milk and Dairy Products*

Milk has been aptly described as nature's most perfect food. With a cost per calorie less than that of the average food in a typical American diet, milk packs an amazing variety of nutrients—calcium, vitamin D, phosphorus, protein, potassium, magnesium, as well as riboflavin, and a host of other vitamins. The nutrient most likely to be in short supply in a typical American diet is, as I think everybody recognizes today, calcium. Calcium certainly has received the most attention recently. The federal interagency task forces on US health goals, producing the plans "Healthy People 2000" and "Healthy People 2010", in both reports, identified calcium deficiency as a problem of sufficient magnitude to warrant a national effort.

This country is in the midst of what several federal agencies and health professional organizations have termed a "calcium crisis". After age 8 or 9, the typical American girl or woman gets half or less the recommended amount of calcium each day.

An adequate calcium intake is essential, not just for the development of a strong skeleton, but for many other body systems. Low calcium intake has been convincingly shown to increase the risk or severity of hypertension, cardiovascular disease, diabetes, colorectal cancer, and even obesity, in addition to its generally recognized role in osteoporosis. Nor is the benefit deferred until later in life. There is a very large rise in the risk of forearm fractures occurring in children about the time of puberty. Parents commonly attribute those fractures to their child's being "accident prone", but we now know that it is the children with the thinnest bones who are most likely to break their bones,<sup>1</sup> and we also know that calcium intake from beverages like milk is a factor in determining bone strength at that critical period of life.

Obesity also affects children and adolescents. There is a growing body of evidence that an adequate calcium intake can help reduce that problem and assist efforts to lose weight. Low calcium diets, we have learned recently, send a signal to the fat cells to conserve energy<sup>2</sup>—exactly the wrong message in the face of national overconsumption and decreased physical activity.

Moreover, calcium is not the only critical nutrient. Studies performed in my laboratory, and confirmed by many other investigators, show that diets low in dairy products are deficient not only in regard to calcium, but, on average, in four other nutrients as well.<sup>3</sup> The most economical and effective way of remedying all these deficits in young people is to ensure the continued supply of milk in school meal programs.

*The Myths about Milk*

The arguments raised against the healthfulness of milk are scientifically groundless. Jeanne Goldberg, the distinguished nutritionist and nutrition columnist published a paper on this topic in the official journal of the American Academy of Pediatrics in October 2002<sup>4</sup> in which she refuted each of the milk myths currently circulating. (I am appending a copy of her paper to my testimony in the event the members of the Committee may wish to pursue this issue in greater depth.)

Before I mention one of her key points, I think it is useful to recognize the origin of the anti-milk campaign—and it is literally a campaign. If one checks carefully, one finds that behind most of the stories is an organization called the People for the Ethical Treatment of Animals (PETA) and its sister organization, the Physicians Committee for Responsible Medicine (PCRM). These are animal rights organizations that oppose the use of any animal product—leather, fur, meat, or milk. At the time of the USDA's Dietary Guidelines for Americans, PCRM shamelessly played the race card, alleging that African Americans could not digest milk because of lactose intolerance. The facts are that people of all races are able to consume, digest, and benefit from milk without difficulty.

*The Truth about Lactose Intolerance*

It is true that African Americans, Hispanics, Native Americans, and Oriental Americans commonly lose the enzyme that helps their bodies break down milk sugar sometime during childhood. This absence of a natural intestinal enzyme is tested for by consuming an amount of lactose equivalent to that in a quart of milk and detecting one of the byproducts in exhaled air. Many persons testing positive have absolutely no symptoms of lactose intolerance, and most can easily drink milk one serving at a time. Moreover, if persons who lack this enzyme continue to consume milk on a regular basis, their intestinal bacteria take over the job of digesting lactose for them. (Many of us tend to think of bacteria as “germs”, with a negative connotation—they cause disease. But that is true for only a minority of bacteria, most of which are actually quite helpful. In fact, if we had no intestinal bacteria at all, we would probably be malnourished because of the role bacteria play both in digesting our food for us and in manufacturing some nutrients that we need.)

Dr. Dennis Savaiano, Dean of Nutrition at Purdue University in Indiana, has published extensively on this topic, and I commend you to his writings<sup>5</sup> if you have further questions on this matter. In brief, he has been unable to find a single individual, of any race, whom he could not get to consume two to three servings of milk per day without difficulty. If they had never stopped drinking milk, then they never experienced lactose intolerance in the first place. If they had stopped, it takes only a few weeks, gradually building up milk intake, to get to the point where large quantities can be readily digested and utilized by the body, without discomfort.

In fact, a case can be made that African Americans, despite their relatively strong skeletal structures, may actually need calcium more than do Caucasians, inasmuch as calcium is helpful in reducing blood pressure, and the protective effect seems to be larger in African Americans than in Caucasians. Recall that the consequences of high blood pressure, stroke and myocardial infarction, are major causes of morbidity and mortality in the African American population. In the widely acclaimed Dietary Approaches to Stop Hypertension (DASH) studies,<sup>6,7</sup> supported by the National Heart, Lung, and Blood Institute, National Institutes of Health (NIH), the addition of 2-3 servings of low fat milk to a diet rich in fruits and vegetables reduced blood pressure sufficiently that the researchers estimated that the result, on a nationwide basis, would be a reduction in stroke and heart attack risk in the range of 17-27 percent. This is a huge benefit, larger than can be attributed to most drugs, and the good news is that it is a benefit that comes at negative cost. As I have already indicated, dairy products cost less per calorie than most other foods in the diet. Moreover, it is important to bear in mind that high blood pressure commonly starts during the teen years; hence it is critically important that we maintain a high calcium intake in our school age children. In a study recently published in the Journal of the American Medical Association, young adults consuming a high dairy intake, followed over a 10 year period, experienced an astounding 62 percent reduction in development of hypertension.<sup>8</sup>

*Soy Beverages are not Appropriate Substitutes for Milk*

Finally, arguments have been made that other beverages such as soy beverages should be given a status which would allow them to substitute for cow milk in federally sponsored meal programs. Some of this comes from the understandable economic interest of soy farmers and soy beverage makers, but some also comes from PCRM and PETA, as I have already noted. The truth of the matter is that soy beverages are wholesome and nutritious foods in their own right, but they are not substitutes for milk. Allowing them to serve as an alternative for cow milk conveys an inaccurate message. They do not have the nutrient profile of milk, and in order to compensate for some of their inherent deficiencies, soy beverage processors are required to add nutrients, such as calcium, to the native soy beverage. One might think that that would be sufficient to make them equivalent, but unfortunately that is not the case. Since calcium is regulated by the Food and Drug Administration as a food, and not as a drug, there are effectively no quality assurance standards



with respect to the state of the calcium and other nutrients added as a fortificant to food.

In my work as a calcium nutritionist, I have consulted extensively with (and done projects for) various cereal, beverage, and supplement manufacturers who have added calcium to their products. The most responsible of those manufacturers have taken pains to assure that the calcium they add is bioavailable—that is, can be assimilated by the body. (In fact, most of the tests for such bioavailability done nationally have been carried out in my laboratory.) I do not know what steps the soy beverage processors may have taken internally, but I have tested several of their products and am sorry to have to report to this Committee that the calcium that they contain is often not very assimilable. In a study published three years ago<sup>9</sup> I found that, despite having the same calcium content as cow milk, fortified soy milk released substantially less of its calcium into the bloodstream. I have just this past summer tested four additional soy and rice beverages marketed as milk substitutes and fortified with extra calcium. In all of them the calcium settled down into the bottom of the carton on the supermarket shelf, as a heavy sludge, and although there was an instruction on the carton to “shake before using”, our experience was that it would have taken a hardware store paint shaker to suspend the calcium in some of them. What is worse, isotopic tracer tests show that the calcium in some of these soy beverages is so coarse that it is unlikely to be readily absorbed even were it to be adequately suspended in the beverage itself? These are technological problems which the soy beverage manufacturers should have been able to solve if they had had a sufficient interest in doing so. But for the moment the evidence is clear that the soy beverages do not now provide calcium equivalent to that available from cow milk.

In summary, milk provided to school children has played an important part in improving the nutritional status of the peoples of the United States and Great Britain for over 70 years. The need today is, if anything, greater than in the past. Milk is a safe, nutritious, and economical source of the nutrients our children need, and there are no effective alternatives.

I thank you for the opportunity of offering this testimony and stand ready to answer any questions which you may have.

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Chairman BOEHNER. Let me ask Ms. Cockwell about these children who don't select milk. I don't want to get you in the middle of this fight and I don't want to really be in the middle of it either.

But why don't they take milk? Don't like it? Don't want to drink it? Lactose intolerant?

Ms. COCKWELL. Well, I can't say I have really surveyed the kids on the subject. Maybe when I go home that is one thing I should do, is check to see why they are not drinking their milk. We do have notes from doctors stating that certain children cannot drink milk, and we do, you know, provide other choices for them.

Chairman BOEHNER. Is there a big demand in your school lunch program for soy milk?

Ms. COCKWELL. I haven't had any requests.

Chairman BOEHNER. All right.

Mr. Stenzel, why should schools make the distinction among fresh, frozen, or canned fruits and vegetables?

Mr. STENZEL. Well, Mr. Chairman, I think we have heard in the earlier discussion by Under Secretary Bost that it is not what we put in front of kids, it is what they actually eat. And I think that is really where we have to look at these child nutrition programs now.

Are we giving kids the quality of fruits and vegetables that they are going to choose on their own down the road? Maybe, if they are captive sitting there in front of that meal program and they have to eat it for some reason, that is one thing. But we know the real world is the competition outside the schoolroom.

Chairman BOEHNER. But what about the cost?

Mr. STENZEL. We have got to make sure the cost is equal. Let us go back to the Commodity Purchase Program. This year, this past year, USDA will have spent \$92 million on dried fruits and nuts for the Child Nutrition Program. I find that astounding.

Now, I will be the first to tell you that there are members of my own industry, who are right there knocking on the doors saying, Please take my surplus commodity, and it may be a dried or canned or other frozen product. On the other hand, I have never met a commodity that is not in oversupply. So I am not so sure whether those original messages from the 1930's and 1940's about propping up markets for dried fruits and nuts is the health and nutrition of our children.

Chairman BOEHNER. What is the USDA going to do with the \$200 million worth of fresh fruits and vegetables they are required to buy under the 2002 farm bill?

Mr. STENZEL. That is precisely the issue, Mr. Chairman. And you know from the Ag Committee that you pushed through \$200 million in fruits and vegetables purchases. The Fruit and Vegetable Industry Advisory Committee that the Secretary appointed 2 years ago to advise her on infrastructure and issues with regard to our industry recommended increasing the share of fresh produce out of that \$200 million. In the last several years, the amount of fresh produce out of the \$200 million, less than 5 percent.

Less than 5 percent of all fruits and vegetables purchased were fresh. And those were potatoes, things that could be stored.

We understand there are infrastructure problems in storage. The Department of Defense program is an excellent opportunity in order to deliver fresh produce to schools, but we simply have got to find a way to overcome the grain—.

Chairman BOEHNER. But schools could buy fresh fruit and produce directly from their local vendors.

Mr. STENZEL. Absolutely. Schools buy a tremendous amount of fresh produce. It is simply not being provided by the Department of Agriculture through the commodity programs.

Chairman BOEHNER. Ms. Cockwell, let me ask you about the distribution program when it comes to things like beef, pork, poultry, where the Department goes out and buys it under section 32, they store it, they ship it somewhere where it is semiprocessed, and they distribute it through a school. Then the school sends it to a processor; and then the processor has to keep it segregated, then has to bring it back to you.

It sounds like a very expensive way to do business. And I guess, in the end, it is still cheaper to you, buying those commodities through the USDA? I imagine you have to buy the same kind of commodities out on the open market.

Ms. COCKWELL. We are talking about—when we further process the items that USDA purchases is what it sounds like to me; is that your question?

Chairman BOEHNER. Yes.

Ms. COCKWELL. OK. Sometimes when we do that it is to provide the item to the students or to our customers in the form that they will eat it, so that they do get the nutritional value that we are trying to convey to them every day in the school setting.

Chairman BOEHNER. But you couldn't buy that directly from a commercial vendor at a comparable price?

Ms. COCKWELL. It depends on the product. Sometimes we can, sometimes the products aren't available, an equal product is not available on the commercial market.

Chairman BOEHNER. Mr. Joslin, it sounds like Dr. Heaney doesn't like your idea of allowing soy milk to be reimbursable under the school lunch program. I give you an opportunity to—

Mr. JOSLIN. To respond?

Chairman BOEHNER. To respond.

Mr. JOSLIN. Well, I guess I will stand by my testimony.

First of all, milk that is not consumed does not add in any way to the nutritional needs of the students. USDA already establishes as an alternative to milk—personally, if I had my druthers—like I said originally, I am a milk drinker. I was raised on a dairy farm. In an ideal world, every kid would consume their 8 ounces that is placed on their tray. But, again, there is a significant number of kids, not necessarily because of lactose intolerance, because of religious or cultural beliefs, who do not consume dairy milk. The American School Food Service Association, they represent 65,000 schools, have identified the need to include soy milk as an option, as a top priority.

Chairman BOEHNER. But if we were to allow, if we were to suggest that there should be substitutes for milk, what about other fortified beverages?

Mr. JOSLIN. Well, soy milk is the only one, first of all, that is recognized by the USDA and it has the adequate protein. It would be very cost-ineffective to include a protein in water or orange juice.

Soy milk has a natural high-quality protein, which has already been recognized by the Food and Drug Administration as being heart healthy. It is a high quality. You just fortify it with calcium.

The other thing—and I bought soy milk; I tried to drink it. I personally didn't care for it, but I didn't have it set up as cement in the bottom of my refrigerator. It sat in there for 2 or 3 weeks while I was trying to get used to it.

Chairman BOEHNER. It sat in my refrigerator for my daughter for a long time, but I don't think I am going to try it. But having said that, that doesn't taint my objectivity here as the Chairman.

I see that my time has expired. Let me recognize the gentleman from Michigan, Mr. Kildee.

Mr. KILDEE. Thank you very much, Mr. Chairman.

Mr. Stenzel, since the inception of the breakfast program, I have not seen anything quite as exciting or as popular as the pilot program for fresh fruits and vegetables. I visited the Linden Middle School last May, this past May. And, first of all, you see no waste; it is all consumed. And it is—the school does a very good creative way of distribution of the fruits and vegetables. Students like it very, very much.

You mentioned in your testimony that the lack of infrastructure investment by the Federal Government has a direct impact upon the ability of schools to introduce fresh fruits and vegetables into their school meals. Can you comment further on that?

Mr. STENZEL. Mr. Kildee, thank you. I share your surprise and enthusiasm at the pilot program, quite naturally. I think going into it, none of us had any expectation that 99.5 percent of the schools would love the program. The students love it. We have really got a winner on our hands.

Now, how do we transfer the lessons of that program to the overall commodity purchasing programs? We have to get more high quality, more fresh produce into those programs. Right now, most of those commodity purchases go through State warehouses, they have long delivery times, they sit. And that is one of the challenges for AMS in terms of its commodity purchasing programs.

But I think rather than say that those are hurdles that we can't overcome, it really is time to find a way to overcome them. This pilot program allows schools to make local decisions, local choices, and they were able to get the fresh fruits and vegetables kids wanted.

The Chairman asked about, don't some school districts buy produce on their own. Of course they do; and when they buy their own, it comes delivered every day. There are produce wholesalers and food service wholesalers who deliver great products to schools. We have just got to find a way to make sure that all of the money, the tax money that we are investing in these commodity purchase programs are giving kids what they want and need, and help them choose better, make better choices for their future rather than necessarily putting something in the program that they don't really want.

Mr. KILDEE. There seem to be three basic sources of fresh fruits and vegetables, three programs: the DOD fresh program, the commodity program allows the purchase of fruits and vegetables as part of the total commodities, and the Fruit and Vegetable Pilot Program. Of the three, the one that is most successful seems to be the pilot program.

Mr. STENZEL. I would certainly say it has been the most exciting at the local level. But I will share the opinion of Ms. Cockwell that the DOD fresh program has also been extremely successful. It was really conceived to get around some of these infrastructure hurdles of having to store fruits and vegetables for long periods of time. So schools can now order from DOD whatever fresh produce that they want and have it delivered on a regular basis while it is still high quality.

We need to expand that program from \$50 million to the \$100 million level. In the farm bill, actually many of us thought that it was expanded by \$50 million, not to \$50 million. But AMS has a different interpretation of the statute than several of us who worked on it.

But I would tell you that this pilot program, I think, says something else about experiential learning. It is not just about giving the kids food to eat; it is, every day we are taking about 5 minutes to give that kid an experience that makes them reflect on their own choices. We are not going to shut out the rest of the world and insulate them from the competitive foods, whether it is a la carte foods or Seven-Eleven, but if every day they get a moment in time where they think, well, it does matter to me, there are consequences to my actions, I think that is what schools are all about, not just feeding kids, but helping them learn the context of their own food choices.

Mr. KILDEE. So the DOD fresh program and the pilot program really empower the school more to decide where to buy, when to buy, what to buy?

Mr. STENZEL. I think that is absolutely right.

Mr. KILDEE. What I noticed at the Linden Middle School, they have a great distribution system, the students are in charge of all that. But in the classroom during the day, the fresh fruits and vegetables are there, available; and they are flexible enough where a student can go up during the third hour and grab a vegetable or some fruit. And as I say, there is virtually no waste that takes place.

And for that \$6 million, that is—I tell you, if we could increase that—I think that pilot programs generally come into being to see how they do work, and I think this has passed its final test very well. Thank you very much.

Mr. STENZEL. Thank you.

Mr. OSBORNE. [Presiding.] The gentleman from Minnesota, Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman. Thank you, ladies and gentlemen, for being here. It is especially nice to have a Minnesotan from the university.

By the way, Coach, the Gophers. We are doing all right out there. We are doing well out there. Thank you. To get an acknowledgment from the coach is very uplifting for all of us new Members of Congress.

I guess just to prove I am fearless, if nothing else, I want to jump back into the discussion of milk and soy milk. In the interest of full disclosure, I have told a number of people that we have not a single dairy cow on the farm, but a number of acres of soybeans. Having said that, I, like Chairman Boehner, haven't spent much time

drinking soy milk. And Mr. Joslin, because you have admitted that you are not a medical doctor and you are a farmer, I direct my question to Dr. Heaney.

You in your testimony stated that—I gather the gist of it was that there really isn't lactose intolerance for a long period of time, that virtually anybody can drink milk; is that correct?

Dr. HEANEY. That is exactly correct. The biggest milk drinkers in the world are the Masai of East Africa. They have the same genetic background as African Americans. They have been tested for lactase nonpersistence, that is, the enzyme lack; and they have the same prevalence as lactase nonpersistence as North American African Americans. But they drink 5 or 6 quarts of milk per day without symptoms, without any symptoms.

Mr. KLINE. How does it help out my own granddaughter? For example, I noticed my kids, wisely on their part and good for us, dropped the kids off for a few days this summer; and my granddaughter drank soy milk and not dairy milk because my daughter-in-law was told that she couldn't drink milk.

Where do those medical opinions come tomorrow?

Dr. HEANEY. Well, I can't tell you exactly where all medical opinions would come from, but there are such things as apparent milk intolerance in childhood, and pediatricians suggest trying something else in their place.

The infant formulas which are soy-based are not the same type of a nutrient profile that the soy beverage that we are talking about as a possible substitute is concerned. These are all constructed foods, you understand. They are not natural foods in that sense.

Soy is a marvelous nutritional source and, you know, I have been sitting here wondering why aren't we talking about putting textured soy protein into the spaghetti sauces, mixing it in with hamburger and some of the burgers, et cetera, or the meat loafs? A marvelous way to get good nutrition into our kids and use up a commodity at the same time.

What I am concerned about is not that they shouldn't consume soy; I think it is a great idea. It is not just the equivalent of milk. And if we knew everything that was in milk, maybe we could put it in soy beverage, but we don't, and milk works better than any alternative.

So to say that one is equivalent to the other is to convey misinformation to people.

Mr. KLINE. All right. Thank you, Doctor. I think that is extremely clear.

Mr. Joslin, your understanding that under the current rules is, if a child does have a note from the doctor that they are lactose intolerant, that the soy milk is reimbursable. Is that correct?

Mr. JOSLIN. That is my understanding.

Mr. KLINE. And your understanding, if the child for religious reasons is not supposed to drink milk, is that reimbursable?

Mr. JOSLIN. It is my understanding that is not.

Mr. KLINE. OK. Thank you. But at a very minimum, I suppose you are saying that if for some reason, religious or medical intolerance, the ability to use soy milk instead of milk ought to be made easier; is that correct?

Mr. JOSLIN. I think that is a fair summation.

Mr. KLINE. All right. We will let it rest at that.

I am going to step back out of this battle, Mr. Chairman. I yield back.

Chairman BOEHNER. [Presiding.] The Chair recognizes the gentleman from Nebraska, Mr. Osborne.

Mr. OSBORNE. Thank you, Mr. Chairman.

Apparently I am the only person in the room who has ever tried soy milk and have actually survived on it fairly well. And I have had some heart disease, and as a result, they have steered me in that direction. So I find that it is certainly tolerable and have used it for some time.

I was just wondering if either of you gentlemen on the end there, who seem to be at odds, are aware of any comprehensive studies that have compared milk and soy milk. I know that each of you are advocates for either milk or soy milk. But are you aware of any studies that have been done where there have been a control group and some type of a double-blind or whatever study that has yielded some results?

Mr. JOSLIN. My testimony has a whole list of studies at the end of it which talk about the benefits of soy milk, and several of them compare soy and cow's milk.

Dr. HEANEY. To answer your question directly, Coach, I know of no side-by-side study of the sort that you are talking about that would have compared the ability of either soy milk or cow's milk to support growth in children, which is what we are talking about.

I don't think there is any question about the nutritional value of either product. The question is, are they equivalent, and I think they are not.

Mr. OSBORNE. Well, thank you. That might be a topic of some academic research at some point. And it may be, you know, you don't want to use kids as guinea pigs, but apparently both are not sufficiently harmful that it would be doing any great harm to anybody.

Mr. JOSLIN. May I add one point, though?

Mr. OSBORNE. Mr. Joslin.

Mr. JOSLIN. Again, the soy milk—my testimony today is not going after kids presently drinking milk. I hope everybody focuses on the significant minority of children that are not presently drinking dairy milk. That is what we are talking about. It is not—I don't want to inroad on the efforts of the dairy producers because I really believe in it.

We had two people here mention, three with Mr. Osborne, mention that they either know somebody or have a family member or they themselves drink soy milk. It is a significant and growing number of our population that does not consume it. And offering a soy-based beverage as an alternative to people who either cannot, or choose not to, drink dairy milk, it is very appropriate for this Committee.

Mr. OSBORNE. Well, thank you.

Now, changing topics, Mr. Stenzel, what more needs to be done to improve USDA's capacity to handle fresh produce? You feel, evidently, there are some deficiencies. What would you suggest be done?

Mr. STENZEL. I think in the commodity purchase programs, Mr. Osborne, the first thing has to be a commitment from the Department to substantially increase the percentage of fresh produce in those buys. We can't do business as usual.

Now, how to do that means we have to overcome the hurdles of storage and distribution and transportation and those things, but I know with the American School Food Service Association there is a tremendous amount of interest in ways to do that, how we could provide for purchases under the entitlement programs and even the bonus buys in order to provide more fresh produce directly to the schools.

We have got to find our ways around those warehousing and storage issues, but I think now is the time for smart people who are mutually motivated to put their heads together and find ways to do that.

Mr. OSBORNE. Thank you, Mr. Chairman. I yield back.

Chairman BOEHNER. I want to thank all of our witnesses today for your patience. We didn't think the first panel would go as long as it did. But we appreciate your testimony.

And this concludes our hearing today. Thank you.

[Whereupon, at 4:44 p.m., the Committee was adjourned.]

[Additional material provided for the record follows:]

**Statement of Hon. George Miller, Ranking Democratic Member, Committee on Education and the Workforce**

Thank you, Mr. Chairman:

- I want to thank you for convening this full committee hearing in anticipation of the reauthorization of federal child nutrition programs.
- Since coming to Congress in 1975, I have been a steadfast advocate of child nutrition programs and the significant role they play in meeting the health and educational needs of our nations' children.
- I have seen first hand—at school cafeterias, summer programs and WIC clinics—children who receive their only meals through our federal nutrition programs.
- I have seen the difference between the child who attends school on an empty stomach and the child who can sit down and have some cereal and juice in the classroom. The child who gets a free breakfast is more alert through the school day and can focus on learning. The child who does not eat breakfast faces a different day, and many times has difficulty making it through the day.
- I also know that we have an obligation to the children who participate in these programs, particularly in light of the growing epidemic of childhood obesity.
- The number of overweight children has doubled in the last two to three decades. This crisis spans age, race and gender groups.
- Because overweight adolescents have a 70 percent chance of becoming overweight or obese adults and with more than half of all students participating in the school lunch program, we have an excellent opportunity to address childhood obesity head on. Increasing the availability of nutritious foods in the commodities program will make a difference.
- If we are to truly leave no child behind and to narrow the achievement gap between the "haves" and "have nots", then every child should have access to a nutritious and safe school meal that contributes to a child's health and academic well being.
- The commodities that are made available to our schools for school meals are integral to this effort and I look forward to the testimony from our witnesses on how we can better meet the demands of schools and school food directors who face daily challenges from making meals more attractive so that children will eat them, to getting the right quantity of product when it is needed, to storage requirements for fresh fruits and vegetables.
- Mr. Under Secretary, welcome back. As this is the first time I have had the opportunity to hear from you during this reauthorization, I want to take advantage of your appearance during this hearing and ask you some questions about your plans for the reauthorization.



- Again, Mr. Chairman I look forward to the testimony of our witnesses and thank you for convening this hearing.

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**Statement of Hon. Doc Hastings, a Representative in Congress from the State of Washington**

I am pleased to be able to provide my statement for the record on this very important issue.

As you are aware, the 2002 Farm bill included a Fruit and Vegetable Pilot Program that provided \$6 million to 107 schools with the goal of determining the best ways to increase fresh fruit and fresh vegetable consumption in elementary and secondary schools. Twenty-five schools were selected to participate in the pilot program in each of the states of Iowa, Indiana, Michigan and Ohio and seven schools of the Zuni Indian Tribal Organization in New Mexico. Schools provided fresh fruits and vegetables as snacks to children, many also provided nutritional education.

An Economic Research Service (ERS) study of the pilot project showed that students involved in the program were more likely to eat more nutritious school lunch program meals and selected more fruits and vegetables as part of those meals. The study also showed that several schools implemented nutrition education activities to build on the healthy fruit and vegetable offerings. Teachers also reported that students ate less high calorie foods from vending machines, had greater attention spans and visited the nurse less.

I have recently introduced legislation to expand this successful pilot program. H.R. 2832, the "Healthy Nutrition for America's Children Act" is a common sense, practical way to introduce school children to the benefits of fresh fruits and vegetables.

The media is full of reports about child obesity and proposed lawsuits against fast food companies. By using existing funds, H.R. 2832 will enable selected schools in all 50 states the flexibility to design individual programs to encourage healthy eating habits through the purchase of fresh fruits and vegetables for snacks for children and in turn, promote a lifetime of healthy eating habits—something lawsuits won't ever accomplish.

This program would use \$75 million annually for five years. This funding would come from existing federal dollars provided in the 2002 Farm Bill for fruit and vegetable purchases.

The fruits and vegetables grown by American farmers are some of the finest in the world. My bill will teach children about the great products grown by our farmers and that these fresh fruits and vegetables play an important role in living healthy lives.

Mr. Chairman, I urge you and your colleagues to include this proposal to expand the Fresh Fruit and Vegetable Snack Pilot Program in your legislation for reauthorization of the Child Nutrition Act and the Richard B. Russell National School Lunch Act.

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**Response to Questions Submitted for the Record from Eric M. Bost, Under Secretary, Food, Nutrition, and Consumer Services, Food and Nutrition Service, U.S. Department of Agriculture**

1) a clarification on the Department's policy on offering dairy alternatives to students as part of the reimbursable meal. There is some confusion whether exceptions are made for medical issues only with a note from a medical professional, or whether exceptions also are granted for religious (or other reasons). If religious purposes also are acceptable, are notes also required and if so, by whom.

- In accordance with Section 9(a)(2) of the Richard B. Russell National School Lunch Act, schools must offer students milk as part of a reimbursable lunch. All milk served in the program must be pasteurized fluid milk that meets State and local standards for such milk.
- Program regulations require a substitution for children with disabilities who are unable to consume the milk or other food items. The substitution must be in writing and prescribed by a licensed physician identifying the food or foods and the food or foods of choice that must be substituted.
- The regulations permit and FNS encourages accommodations for children that are not considered disabled but have special dietary needs such as milk intolerance. Schools must have a statement from a recognized medical practitioner (e.g., a licensed physician, physician's assistant, nurse practitioner or other health professional specified by the State agency) that, (1) identifies the medical or other special dietary need which restricts the child's diet, (2) stipulates the

food or foods to be omitted from the child's diet and the food or choice of foods to be substituted.

- FNS issued instructions on variations in the meal requirements for religious reasons for Jewish schools and Seventh Day Adventist Schools. For Jewish schools, juice may be substituted for the milk, when necessary to meet the Jewish Dietary Law or the milk may be offered at a different time than the meal. These schools must notify the State agency that they are implementing a variation offered in the instruction.
- As a reminder, students can decline fluid milk under "offer-versus-serve" (OVS). OVS permits students to decline certain food items that they do not intend to consume.
- FNS encourages and program regulations specify that schools should consider ethnic and religious preferences when planning and preparing meals.

#### SUMMARY OF THE RECOMMENDATIONS FOR CERTIFICATION ACCURACY

At the time of his testimony, Under Secretary recommended the following certification accuracy provisions:

##### *Enhanced verification*

- Enhance verification of paper-based applications by drawing on an increased verification sample including both a random sample and one focused on error-prone applications in each school and completing the verifications within 45 days. (Note: Although not mentioned specifically, the original thought was a sample size increase from 3% to somewhere between 10–15%; this enhanced verification sample was to be part of a comprehensive approach to improve both certification accuracy and access to eligible children. The administration considers the issue of sample size to be negotiable, but is committed to an increase in some measure that provides for improving certification accuracy.)
- Provide funding to support the enhanced verification activities and other improvements to the certification process.

##### *Provisions to improve access by eligible children*

- Require direct certification for free meals through the Food Stamp Program, to improve certification accuracy over paper applications while increasing access for the lowest-income families and reducing the application and verification burden for families and schools.
- Permit households to submit a single application covering all children attending school, and provide for yearlong certifications. These improvements reduce certification and verification burden while reducing potential for error.
- Minimize barriers for eligible children who wish to remain in the program by requiring a robust, consistent effort in every State to follow-up with those who do not respond to verification requests, including a minimum of three contacts in writing and by phone.

##### *Research*

- Initiate a series of comprehensive demonstration projects to test alternative mechanisms for certifying and verifying applicant information, including use of data matching that identifies eligible and ineligible households and a nationally representative study of certification error and the number of dollars lost to program error.

##### *Additional ideas regarding ensuring protections for eligible children*

The Administration is committed to a balance of access to program benefits with efforts to ensure program integrity in the National School Lunch Program. Examples of opportunities might include data matching with other means-tested programs; school flexibility regarding the review process (for example, specific populations such as homeless children); and increased technical assistance and training for schools. FNS is interested in considering various safeguards that support the guiding principles outlined in Under Secretary Bost's testimony. Those guiding principles are:

1. Ensuring access to program benefits for all eligible children. Broadly speaking, we propose streamlining the application process and the administration of programs to minimize burdens on both schools and parents;
2. Supporting healthy school environments to address the epidemic of overweight and obesity among our children by providing financial incentives to schools that meet dietary guidelines and specific criteria; and

3. Improving the accuracy of program eligibility determinations, while ensuring access to program benefits for all eligible children, and reinvesting any program savings to support improved program outcomes.

### **Statement of the American Commodity Distribution Association**

Chairman Boehner and members of the Committee, the American Commodity Distribution Association (ACDA) appreciates the opportunity to comment on the commodity distribution program. ACDA is a non-profit professional trade association devoted to the improvement of the U.S. Department of Agriculture's (USDA) commodity distribution system. ACDA members include state agencies that distribute USDA-purchased commodities, agricultural organizations, recipient agencies such as schools, and allied organizations. ACDA members are responsible for distributing over 1.5 billion pounds of USDA-purchased commodities annually to programs such as the National School Lunch Program.

Our statement focuses on three important issues to the commodity distribution program: the important role of "bonus" commodities; efforts to ensure the safety of USDA-purchased food; and the need to continue to streamline program operation. Attached for your consideration is a copy of ACDA's legislative issue paper for this year. The issue paper outlines a number of additional topics, such as establishing a commodity reimbursement for the School Breakfast Program, that we believe would also help improve the operation of the commodity distribution program.

#### *Bonus Commodities*

Through State agencies, USDA distributes well over 1.5 billion pounds of food annually, most of which goes to schools. Other recipients of USDA-purchased commodities include the Child and Adult Care Food Program, the Summer Food Service Program, the Nutrition Program for the Elderly, the Food Distribution Program on Indian Reservations, and the Emergency Food Assistance Program. One of the strengths of the Department's commodity distribution system is its ability to move commodities efficiently. This efficiency is largely dependent on the volume, not the dollar value, of product flowing through the system. The more cases of product that move through the system, the more cost effective it is for States to maintain their distribution system.

For a variety of reasons, the cost of operating a commodity distribution system at the State level increases every year, and the volume of product moving through the system has not increased enough to offset these costs. As a result, States are finding it more and more difficult to provide services that are expected by our customers—the school districts. Complicating this, the Ticket to Work and Work Incentives Improvement Act (Public Law 106–170), passed in late 1999, would make it considerably more difficult to operate distribution programs at the State level by significantly reducing the volume of commodities available to schools and other programs.

As you know, the Richard B. Russell National School Lunch Act requires that at least 12 percent of all school lunch assistance be in the form of USDA commodities. P.L. 106–170 amended the School Lunch Act to require USDA to include the value of bonus commodities when calculating whether or not the 12 percent requirement has been satisfied. On a per student basis the cut imposed by P.L. 106–170 might have appeared to be small. However, the overall impact on the commodity distribution system would be disastrous. This change could result in a decrease of at least 80 million pounds of commodities per year.

Fortunately, this cut has never been realized as Congress has forestalled its implementation through either the annual appropriations process or other legislation. The most recent fix was enacted as part of the 2002 Farm Bill, which corrected this issue through Fiscal Year 2003. Of course, fiscal year 2003 ended last month, and similar action by Congress is necessary to restore this funding for Fiscal Year 2004. ACDA hopes that Congress can enact a similar fix for the current fiscal year.

#### *Food Safety*

It is often said the United States enjoys the safest food supply in the world. USDA commodity foods are no exception. These products are subject to the same inspection and regulatory requirements as the entire U.S. food supply. Additionally, USDA contract specifications are often more rigorous than commercial specifications and require federal employees to perform on site sanitation reviews and grading functions. Although the federal employees conducting these reviews are not directly charged with monitoring food safety, they are required to report food safety concerns to the appropriate federal agency. The end result is that there is typically a greater federal inspection presence in plants that sell product to USDA.

The Department's commodity distribution program has a history of evolving to meet the changing needs of recipient agencies and American agriculture. One of the most significant changes began when USDA embarked on a broad effort to further improve the way it purchases and distributes food for the nutrition assistance programs. Part of this effort was a review of the process through which USDA initiates a recall of food it has purchased and distributed to recipient agencies.

In July 2001, the Department issued a new policy to streamline this process. In summary, the updated recall policy:

- Institutionalized USDA's commodity food recall process;
- Streamlined and clarified communications between USDA and other federal agencies that may be involved in a recall, such as the Food and Drug Administration (FDA);
- Streamlined and expedited communications between USDA, State distributing agencies, and recipient agencies;
- Ensures the removal of adulterated product from recipient agencies as soon as possible; and
- Ensures appropriate reimbursement of costs to State and recipient agencies and expedites product replacement.

#### *Improvements to the Commodity Distribution Program*

Over the past 20 years the commodity distribution program has improved significantly. Like any program, however, there is always room for additional improvement. USDA undertook a reengineering effort in 1999 to identify ways to further improve the program so that it can continue to meet the needs of its key constituents—agricultural producers and consumers.

This reengineering project has resulted in a number of important improvements. For example, USDA is in the process of rolling out an Electronic Commodity Ordering System (ECOS), which will, among other things, utilize the internet to facilitate the ordering and delivery of USDA commodities. Additionally, USDA pilot tested a number of initiatives intended to streamline the reprocessing of USDA commodities for schools.

USDA should be applauded for its efforts in this area, and we are hopeful that the Department will continue to make additional improvements. Additional improvements will benefit all the stakeholders in the commodity distribution program—from the agricultural producers to recipient agencies.

#### *Conclusion*

ACDA appreciates the opportunity to comment on these important issues, and we look forward to working with the Committee as the reauthorization process continues.

#### *2003 ISSUE PAPER*

The American Commodity Distribution Association (ACDA) is a non-profit professional trade association devoted to the improvement of the U.S. Department of Agriculture's (USDA) commodity distribution system. ACDA members include state agencies that distribute USDA commodities, agricultural organizations, recipient agencies, such as schools, and allied organizations, such as nonprofit anti-hunger groups. ACDA members are responsible for distributing over 1.5 billion pounds of USDA purchased commodities annually to programs such as the National School Lunch and Breakfast Programs, the Emergency Food Assistance Program (TEFAP), the Summer Food Service Program, the Commodity Supplemental Food Program, and the Child and Adult Care Food Program.

ACDA believes Congress and USDA should consider several issues as they review how to further improve these programs. These recommendations will strengthen the commodity programs, and ensure that they will continue to meet the needs of agricultural producers and recipient agencies.

Ensure USDA can continue to make bonus purchases. Nearly \$1 billion has been transferred from the Section 32 account to provide much needed assistance to livestock producers. Section 32 funds have traditionally been the source utilized by USDA to make bonus purchases to support agricultural prices, and there is significant concern that the Department will not be able to make these purchases this year. If the Section 32 account is not replenished through legislative action, the Department must ensure that it can use other funding mechanisms to make bonus buys as needs arise.

Restore the minimum level of commodity assistance for the School Lunch Program. The Richard B. Russell National School Lunch Act (NSLA) requires that at least 12% of federal assistance provided through the School Lunch Program be in the form of commodities. Starting with Fiscal Year 2004, bonus commodities—commodities purchased through USDA's price support programs—will be counted to-

ward this requirement. This will result in a budget cut of at least \$55 million per year, which amounts to over 80 million pounds of commodities. ACDA urges Congress to amend the NSLA to avoid this budget cut.

Establish commodity assistance for the School Breakfast Program. To encourage efforts to expand the availability of the School Breakfast Program, Congress should provide commodity assistance for this program at a level of five cents per reimbursable breakfast served. This would provide an excellent avenue to assist the farm economy by removing surplus food, and would provide much needed assistance to this program.

Revise the formula for allocating State Administrative Expense (SAE) funds. In most states, the amount of school lunch SAE funds allocated to the commodity program is not sufficient to meet regulatory requirements and satisfy the expectations of schools. As a result, recipient agencies are often required to pay a service and handling fee to receive USDA-purchased commodities. Congress should consider amending the NSLA to ensure a more equitable allocation of SAE funds at the state level to fund the food distribution program.

Improve nutrition integrity by encouraging the consumption of reimbursable meals. The Surgeon General, among others, has recognized that the health effects of obesity and overweight are issues of national importance. The school meal programs are a healthy alternative to other options available to schoolchildren, and Congress should fund nutrition education efforts that encourage the consumption of program meals.

Strengthen the Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program (CSFP). Over the past two years, the declining economy has resulted in increased demand for emergency food assistance. At the same time, private sector food donations in many areas have decreased. Both of these factors are straining the budgets of local community action agencies and food banks. To help alleviate this problem, Congress should appropriate the fully authorized amount of funding for TEFAP storage and distribution costs—\$60 million. For the same reasons, adequate funding for CSFP is necessary to ensure that the addition of new state programs does not compromise existing programs.

#### **Statement of Neal D. Barnard, M.D., President, Physicians Committee for Responsible Medicine**

The Physicians Committee for Responsible Medicine (PCRM) is a national, non-profit health organization that promotes preventive medicine, especially good nutrition. PCRM recommends modifications to the National School Lunch Act in order to meet the goals of significantly reducing childhood obesity and promoting the long-term health of American children and adolescents. Last fall, PCRM launched the Healthy School Lunch Campaign in preparation for the upcoming reauthorization of the Act. The campaign's key message is simple: Foods served as part of the school lunch program should promote the health of all children.

As you know, when the National School Lunch Program (NSLP) was established in 1946, its goal of safeguarding the health and well-being of the nation's children grew out of concerns with malnutrition caused by a shortage of food. Today, we are concerned with over-consumption. In fact, in a December 8, 2002, article by the conservative think tank American Enterprise Institute entitled *We're Feeding the Poor as if They're Starving*, it is noted that "the central nutritional problem facing the poor—indeed, all Americans—is not too little food, but too much of the wrong food."

The school lunch program has not kept pace with what we have learned about health and nutrition. Rather, the foods given to children under the guise of good nutrition—chili-cheese dogs, pizza, cheeseburgers, chicken nuggets, dairy milk (all of which are too high in saturated fat and cholesterol and too low in fiber- and nutrient-rich fruits, vegetables, whole grains, and legumes)—have played a role in helping to create a generation of obese and overweight children. Not only did the Surgeon General recently report that the prevalence of obesity has nearly tripled for adolescents in the past two decades, but the Centers for Disease Control and Prevention found that 60 percent of overweight five- to ten-year-olds already have at least one risk factor for heart disease, such as raised blood pressure or insulin levels. A shift away from unhealthy foods in favor of encouraging children to consume healthy and good-tasting food from plant sources would be a tremendous first step in addressing this epidemic.

Currently, the USDA commodities program, which supplies food items to the NSLP, puts the needs of U.S. agriculture ahead of the health needs of children and provides few low-fat, plant-based entree ingredients for use in school lunch menus. Every year, the USDA buys millions of pounds of excess beef, pork, milk, and other

meat and dairy products to bolster sagging prices in the animal agriculture industry. These high-fat, high-cholesterol products are then distributed at very low cost through the NSLP, where they fuel many children's life-long struggle against obesity and heart disease.

Meanwhile, the USDA drops the ball on providing healthy foods. For example, it costs a school district more than twice as much to provide a high-fiber, low-fat, cholesterol-free veggie burger (approximately \$0.55 each) than it does to provide a higher-fat, fiber-free hamburger (approximately \$0.23 each). That's because the government subsidizes hamburger meat, but not veggie burgers. In 2001, of the two government commodity programs that provide food directly to schools, \$518.1 million was spent on cheese, beef, poultry, and eggs, and only \$161.1 million was spent on fruits and vegetables.

Also, despite the public's growing appetite for non-dairy beverages and the health community's recognition of the health benefits of these products, the NSLP does not allow calcium-fortified soymilk or calcium-fortified orange juice to be provided as a reimbursable option for school lunches. In other words, if soymilk or another non-dairy beverage is offered in place of cow's milk, the USDA will not reimburse school districts for the entire meal. This forces schools to shoulder the financial burden of providing these beverages as an alternative to cow's milk. Our organization petitioned the USDA to change its regulations to make non-dairy beverages available in the school lunch program as a reimbursable option regardless of whether the child has been diagnosed as lactose intolerant, but the USDA responded that it was prevented from doing so until Congress amends the statute. For these reasons, PCRM is asking that the commodities program be restructured to provide foods that offer health benefits to children in government-sponsored nutrition programs and that a calcium-rich, non-dairy beverage be made available to children in schools and other child nutrition programs regardless of medical need.

*PCRM recommends the following specific changes in the National School Lunch Act:*

- 1) That 42 U.S.C. § 1755 Direct expenditures for agricultural commodities and other foods be amended to delete subsection (c)(1)(D) that requires the Secretary of Agriculture to "give special emphasis to high protein foods, meat and meat alternates (which may include domestic seafood commodities and their products)." In its place should be a provision that requires the Secretary of Agriculture to restructure the commodities program to provide foods that offer health benefits to children in government-sponsored nutrition programs. Instead of buying up beef, pork, chicken, butter, cheese, processed meats, and other foods high in saturated fat, USDA purchases should include healthy, low-fat, high-fiber, nutrient-rich commodity foods in quantities that schools can use.

**RATIONALE:** While the USDA has the goal of providing nutritious meals for our nation's youths, it also aims to boost agricultural industries that produce foods that contribute to obesity, heart disease, and cancer. On average, only one-third of foods on the commodity foods list are healthy, low-fat, cholesterol-free, fiber-rich fruits and vegetables. Many of the healthier meat substitutes are not available in the commodity food program and cost the schools more to include in their menus.

- 2) That the nutritional requirements as set forth in 42 U.S.C. § 1758 be amended to require that schools offer calcium-rich, non-dairy beverages such as calcium-fortified juice, soymilk, or rice milk daily as a milk alternate, regardless of whether a student shows a medical, religious, or dietary need. **RATIONALE:** Numerous scientific studies link the consumption of cow's milk to obesity, anemia, ear infections, constipation, respiratory problems, heart disease, and some cancers. Due to the dangers of dairy product consumption, cow's milk with added lactase, such as Lactaid<sup>®</sup> milk, is not a suitable alternative. And, as people of ethnicities other than Caucasian are typically unable to digest dairy sugar, relying on dairy products as the sole source of calcium in child nutrition programs favors children of Northern European descent. According to the American Academy of Family Physicians' 2002 report on lactose intolerance, 60 to 80 percent of blacks, 50 to 80 percent of Hispanics, 80 to 100 percent of American Indians, 95 to 100 percent of Asians, and 6 to 22 percent of American whites are lactose intolerant. Lactose intolerance, which is sometimes apparent as early as age three, causes flatulence, cramping, diarrhea, and bloating after eating dairy products. Therefore, Congress should authorize the USDA to reimburse school districts for offering non-dairy, calcium-fortified beverages in the NSLP as well as all other federal nutrition programs.

A diet drawn from varied plant sources easily satisfies the Dietary Guidelines for Americans and, in particular, satisfies calcium and protein requirements, providing all essential amino acids, even without intentional combining or "protein comple-

menting.” There is plenty of protein in whole grains, vegetables, and legumes, and plenty of calcium in green leafy vegetables, fortified juices, and other foods with health advantages that meat and dairy products lack. With the approval of Alternate Protein Products in the NSLP, schools are now able to provide children with meatless, cholesterol-free entries. PCRM recommends that schools offer vegan entries, such as veggie or soy burgers, bean and rice burritos, and veggie chili, on a regular basis so that children will be presented with nutritious selections, develop tastes for health-promoting foods, and acquire healthy eating habits that will stay with them for the rest of their lives.

In summary, the Physicians Committee for Responsible Medicine urges you to mandate that meals served under the NSLP include a non-dairy, calcium-rich beverage option and contain only healthy, nutrient-dense foods, so that children have no choice but to eat a nutritious meal. The federal government should stop putting agricultural interests ahead of children’s health. It is abundantly clear that providing the best possible foods for children—vegetables, fruits, and other vegetarian foods—will pay enormous dividends, helping to ensure their better health for years to come. Thank you for your attention to this very important health issue.

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**Follow-Up Statement of Neal D. Barnard, M.D., President, Physicians  
Committee for Responsible Medicine**

Physicians Committee for Responsible Medicine (PCRM) submits this additional testimony for the record on “Improving the Quality and Efficiency of Commodity Distribution to Federal Child Nutrition Programs.”

As noted in our previous submission, dated 10/7/03, PCRM is a national, nonprofit health organization that promotes preventive medicine, especially good nutrition. Last fall, PCRM launched the Healthy School Lunch Campaign in preparation for the upcoming reauthorization of the National School Lunch Act (NSLA). The campaign’s key message is simple: Foods served as part of the school lunch program should promote the health of all children. As part of the campaign, PCRM is encouraging lawmakers to amend the NSLA to make non-dairy beverages, such as nutritious, low-fat, and cholesterol-free soymilk, a reimbursable option in the National School Lunch Program (NSLP).

A reimbursable non-dairy beverage alternative offered in the National School Lunch Program (NSLP) is necessary because many U.S. children are lactose intolerant (mainly children of ethnicities other than Caucasian), allergic to milk, or choose to avoid milk for other reasons, such as taste preferences, religious or ethical considerations, or health concerns. Cow’s milk and other dairy products are not necessary in children’s diets for bone health and can, in fact, be harmful to their health. Some cancers, asthma, allergies, ear infections, constipation, and diabetes have all been linked to the consumption of dairy products mainly due to the proteins in milk, not the milk sugar lactose. A number of studies have linked milk consumption with prostate cancer in older men, presumably due to milk’s effect on hormones. All children, whether or not they experience discomfort or ill health upon consuming dairy products, should have the opportunity to choose a nutritious, non-dairy beverage such as soymilk through the NSLP.

Children in the United States are becoming increasingly overweight, and rates of diabetes are on the rise—largely because we consume such a high-fat, calorie-dense diet. Whole and even “low-fat” milks contain saturated fat, sugar (lactose and added sucrose in flavored milks), and cholesterol, which collectively contribute to the development of obesity, heart disease, and diabetes. As reported by Duane Alexander, director of the National Institute of Child Health and Human Development, fluid milk is the number-one single food source of saturated fat and total fat in a child’s diet. To reduce these health risks, children should be encouraged or at least given the opportunity to obtain calcium from dark green, leafy vegetables (calcium absorption: 52–59%), broccoli (calcium absorption: 61%), beans (calcium absorption: 22%), fortified juices (calcium absorption: 38%), and fortified soy-, rice, almond, and oat milks (calcium absorption: 24 - 34%)—foods that provide highly absorbable calcium and a variety of health advantages without the fat and cholesterol in cow’s milk (calcium absorption: 32%). Hence, children should, at a minimum, be able to choose an enriched soymilk beverage in the school cafeteria.

Enriched soymilk is delicious and can help to meet the nutritional needs of children. Enriched soymilk contains protein, calcium, and vitamins A and D at levels comparable to cow’s milk, but without the disadvantageous saturated fat, cholesterol, and hormones found in dairy milk. In comparison, an 8-ounce serving of 1/2% fat chocolate cow’s milk contains:

- 150 calories

- 1 gram of saturated fat
- 10 milligrams of cholesterol
- 300 milligrams of calcium
- 230 milligrams of sodium
- 0 grams of fiber
- 24 grams of sugar

An 8-ounce serving of Silk chocolate soymilk contains:

- 135 calories
- <0.5 grams of saturated fat
- 0 milligrams of cholesterol
- 300 milligrams of calcium
- 96 milligrams of sodium
- 1 gram of fiber
- 17 grams of sugar

In addition to the nutritional superiority of soymilk to cow's milk, children will choose and consume soymilk when it is offered to them in the lunch line. A pilot study conducted by PCRM at Dillard Elementary School in Broward County, Florida, demonstrated the acceptability of soymilk among school children. The pilot study included four weeks where both vanilla and chocolate Silk<sup>®</sup> soymilk were offered in the lunch line next to the variety of dairy milks ( 0% chocolate milk, 1% regular milk, and whole regular milk). Data was collected on how many children selected soymilk and cow's milk from the lunch line, as well as how much milk was consumed by weighing the contents of all milk cartons as children threw away their lunch trays. At the end of 4 weeks, one-third of the children were choosing either vanilla or chocolate soymilk over cow's milk, which represented a 2.5% increase in total milk selection from the lunch line compared with milk selection prior to the inclusion of a soymilk option (97.8% of kids chose some kind of milk after the introduction of soymilk). Regarding consumption, at the end of four weeks, an average of 61% of the soymilk chosen was consumed, and 53.5% of the cow's milk chosen was consumed. Children in Dillard Elementary School were delighted to have the soymilk option in their lunch line as many of them are African American and unable to tolerate cow's milk. One child stated, "I can't have regular milk because I'll be on the toilet all day." This fall, PCRM will conduct three additional lengthier soymilk acceptability studies in elementary schools.

In summary, the Physicians Committee for Responsible Medicine urges you to allow meals served under the NSLP that include a non-dairy, calcium-rich beverage option, such as enriched soymilk, to be reimbursable in order to accommodate the needs of all students. Enriched soymilk is a nutritionally replete and healthy beverage that is well accepted by elementary school children. Moreover, the inclusion of soymilk in elementary school lunch lines may very well increase calcium consumption from beverages in the National School Lunch Program.

Thank you for the opportunity to provide this additional testimony. Please visit our Web site at [www.HealthySchoolLunches.org](http://www.HealthySchoolLunches.org) or contact me directly for further information.

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**Statement of Nancy E. Foster, President and CEO, U.S. Apple Association**

The U.S. Apple Association (USApple) is the national trade association representing all segments of the apple industry. Members include 40 state and regional apple associations representing the 7,500 apple growers throughout the country, as well as more than 400 individual firms involved in the apple business.



The U.S. apple industry has long partnered with the federal government to provide fresh-market apples and processed apple foods to federal child nutrition programs including the National School Lunch Program. Through this partnership, our industry has supplied wholesome, nutritious apples and apple products to our nation's schoolchildren through routine Section 6 purchases, while Section 32 surplus commodity purchases have served to remove excess supplies of apples and apple products from the market during years when the industry has faced market surplus. This relationship represents a "win-win" for all participants: the children who benefit from these programs enjoy delicious, nutritious U.S. apples and apple foods, the federal government receives the highest-quality apples and apple products available anywhere in the world, and the U.S. apple industry benefits from increased demand.

The federal government is a very important customer of the U.S. apple industry. Over the past five years, the U.S. Department of Agriculture (USDA) has purchased an average of 350,000 cartons of fresh-market apples with an average value of \$4.2 million per year, and has purchased 87.3 million pounds of apple juice, sauce and canned/frozen apple slices with an average value of \$25.2 million per year. These apples and apple products are sourced from suppliers across the country, who are proud to provide healthful apples and apple products to schoolchildren.

However, our children are at risk for overweight and obesity, and our nation is losing its battle against these health-threatening conditions. Yet, the science is clear that eating more fruits and vegetables, including apples, can and should be part of the solution to that problem. Federal child nutrition programs represent an extraordinary opportunity to elevate child nutrition and health policy to a higher national priority, by moving fruits and vegetables, including apples and apple products, more to the "center of the plate."

Apples are the original icon of health, and modern research is demonstrating that apples and foods made from them may in fact provide a "whole body" range of health benefits. Nutrient-dense, versatile, great-tasting U.S. apples, fresh-cut apple slices, and processed apple products, including 100 percent U.S. apple juice and apple cider, applesauce and canned slices, can play an important role in improving the health of the children who benefit from our country's child nutrition programs, while improving the U.S. apple industry's ailing economic health in the process.

As this committee considers how to improve the efficiency and quality of commodity distribution to federal child nutrition programs, USApple urges that legislation to reauthorize these programs include the following three priorities:

- Increase federally-funded purchases of produce, including apples and apple products, such as through an expanded USDA Fruit and Vegetable Pilot Program;
- enhance the infrastructure needed to support federal purchases of produce, including apples and apple products; and
- create greater opportunities through federal child nutrition education programs to promote the health benefits of produce consumption and the "5 to 9 A Day" message.

#### *Fruit and Vegetable Pilot Program*

As you know, the 2002 farm bill-authorized Fruit and Vegetable Pilot Program provided \$6 million in Section 32 surplus commodity removal funds to 107 schools in Indiana, Michigan, Iowa, Ohio and the Zuni Indian Tribal Organization, with a combined total enrollment of 64,377 schoolchildren. The USDA-administered program provided grants to schools to purchase fruits and vegetables for distribution throughout the school day, outside of USDA-supported school meal times. A valuable aspect of the program is local decision making; each school chose which fruits and vegetables to purchase, and many sourced from local producers.

USDA's evaluation report of the pilot program's first two months is available online at <http://www.ers.usda.gov/publications/efan03006/>. The report documents that the pilot program was very popular with students and schools, and urged that the program be continued. It also found that apples were the most popular item in the pilot program:

- fresh-market apples were purchased by more schools than any other fresh item (\$97,803 purchased in two months);
- dried apple chips were the third most-purchased dried fruit (\$6,597 over two months); and
- fruit juices worth \$5,570 were also purchased (data on apple juice/cider is not available).

USApple strongly urges expansion of the Fruit and Vegetable Pilot Program. We recommend that the committee include H.R. 2832, introduced by Rep. Doc Hastings of Washington state, in its upcoming child nutrition reauthorization legislation. This program works for our schoolchildren, by immediately increasing their fruit and

vegetable consumption, improving their health and further encouraging healthy food choices and better eating behaviors for a lifetime. It works for the U.S. apple industry by increasing distribution of fresh-market apples, fresh-cut apple slices, apple juice, apple cider and dried apples to participating schoolchildren. It also works for the federal government by reducing future health care costs for tomorrow's adults.

Thank you for this opportunity to present our comments. We look forward to expanding our partnership with the federal government to promote our nation's and our industry's health.

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### Statement of The Humane Society of the United States

On behalf of The Humane Society of the United States (The HSUS), the country's largest animal protection organization with more than 7.8 million supporters nationwide, we urge the House Committee on Education and the Workforce to allow soy milk to be a reimbursable beverage in the school lunch and breakfast programs. It should be reimbursable with no stipulations (e.g. doctors' notes) for the simple yet powerful reason that it makes sense.

#### *Human Health*

A substantial number of children do not drink milk for health, ethical, or religious reasons. Children with lactose intolerance can suffer from uncomfortable and sometimes painful intestinal problems if they drink milk. For some children, milk consumption is associated with aggravated allergy symptoms, asthma, chronic ear infections, and other conditions because the milk protein, casein, can irritate the immune system and stimulate mucus production.

Children who cannot or do not want to consume cow's milk should be provided with a healthful alternative—particularly since the National School Lunch Act mandates that the program should accommodate all children's dietary needs. Schools now offer alternatives such as soy milk only to students who bring doctors' notes explaining why they need nondairy beverages. But it makes no sense to require a doctor's note for something as simple as a nutritious drink—especially for economically disadvantaged schoolchildren who may not have access to adequate health care.

A growing number of organizations and even school foodservice directors from across the country are calling for the inclusion of soy milk in school lunches. We add our voice to this chorus.

Drinking soy milk can offer health advantages. The Food and Drug Administration has concluded that including foods containing soy protein in a diet low in saturated fat and cholesterol may reduce the risk of coronary heart disease by lowering blood cholesterol levels. Soy milk also contains fewer calories and less fat compared to dairy milk, which according to the National Institutes of Health is the number-one source of saturated fat in children's diets. While not the sole cause, the high level of fat found in animal products contributes to the growing epidemic of obesity in children. According to the American Academy of Pediatrics, childhood obesity is rising at an alarming rate and the rate is highest for minority and economically disadvantaged children. Therefore, ensuring that low fat, plant-based options are available would seem prudent. Enriched soy milk is comparable to dairy milk as a source of calcium and protein. It is outrageous for the dairy industry to suggest that soy milk is somehow nutritionally deficient; millions of people drink soy milk every day and derive a variety of nutritional benefits from this product.

#### *Animal Welfare*

Some students who opt not to drink dairy milk make this choice as an ethical decision not to support intensive animal production. They are concerned about treatment of dairy cows as disposable commodities from whom every last ounce of efficiency must be squeezed at the expense of humane treatment. These students, like those who will not drink dairy milk because of health concerns or religious restrictions, should have ready access to a nutritious beverage alternative without needing to obtain a doctor's note.

Dairy cow welfare has often been seriously compromised by an increasing focus on maximizing production. The amount of milk produced by the average dairy cow has been steadily increasing due largely to intense genetic selection. With this increase there has been a concomitant increase in production-related diseases, the most prominent being mastitis (infection of the udder) and laminitis (infection of the hoof), both of which can be very painful. These diseases and other problems related to high production, such as weakened immune systems, result in cows that are sent to slaughter having only lived a quarter of their natural life. These same health

problems are exacerbated by the use in some conventional dairy farms of recombinant bovine somatotropin (rBST), a hormone that increases milk production.

*Conclusion*

Congress does not face a public policy choice here between dairy and soy milk. It is a question of providing nutritious alternatives to dairy milk for those children who cannot or will not drink dairy milk. We urge the Committee to allow soy milk as a reimbursable school lunch and breakfast program option regardless of childrens' reasons for preferring it. Thank you for this opportunity to submit comments and for your careful consideration of this issue.

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September 15, 2003

To: The House Committee on Education and the Workforce  
 The U.S. House of Representatives

**RE: The Importance of Milk in the Child Nutrition Programs and  
 Misperceptions of Lactose Intolerance**

I am a gastroenterologist conducting an extensive study on perceptions and prevalence of lactose intolerance in African Americans. I have published several studies and lectured in the areas of colon cancer, obesity, nutrition assessment and minority health. I also serve on the Medical Advisory Board of the Milk Processor Education Program, in the capacity of reviewing new research on these issues.

This letter is to reaffirm to you the crucial role that milk plays in the diet of America's children – regardless of race or ethnic background. It is important to dispel the unfortunate misperceptions about lactose intolerance and milk consumption that still prevail despite growing scientific data on this subject.

Children who drink milk obtain essential nutrients for their proper growth and overall good health, during a critical time in their development. This has been proven time and again by government, academic and world health agencies, which is why milk has played a central role in the child nutrition programs. Certainly our school feeding programs should do everything possible to provide milk, which is the primary source of natural calcium and vitamin D for America's children – especially in light of the resurgence of the skeletal disease rickets in the United States, which is totally preventable with milk consumption. Mandating non-dairy alternatives would inappropriately convey misinformation since it would, in effect, tell the public that the alternative beverages are equivalent to milk.

Soy beverage, while a nutritious food in its own right, is not a substitute for milk and does not have the nutrient profile of milk. Even when it is fortified with calcium, at least one study has shown that this calcium is bound to the fiber in soy and may not be as available to the body as the natural calcium in milk.

As for the issue of lactose intolerance, this term refers to reproducible abdominal discomfort when digesting lactose, a sugar naturally present in milk. This is not an allergy to milk; lactose intolerance does not equal dairy intolerance.

Unfortunately, lactose intolerance is often incorrectly self-diagnosed by people who, because of cultural or societal issues, believe they will have trouble digesting milk. In addition, health care providers often confuse lactose intolerance with irritable bowel syndrome, a much more common condition that is unrelated to milk digestion.

Part of the widespread misperception on lactose intolerance stems from research done in the 1970s, using what we now recognize as unreliable methods. This data suggested that about 75% of African Americans, and a high percentage of certain other minority groups, were lactose intolerant. These tests used a dose of lactose comparable to **four** 8-oz servings of milk – much more than a single 8-ounce serving offered as part of the child nutrition program – and the subjects consumed this milk on an empty stomach.

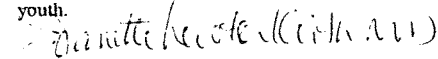
Subsequent well-run studies have revealed that many people who have experienced lactose intolerance can enjoy up to two cups of milk a day with no symptoms, particularly if they drink milk with a meal. What's more, people who experience symptoms in drinking milk often adjust quickly to accepting lactose when it is introduced gradually. And in rare situations where lactose presents a problem that is truly difficult to overcome, lactose-free milk is the most nutritionally sound alternative.

This is a serious issue, because low calcium and Vitamin D intake is associated with increased risk for hypertension, diabetes, cardiovascular risk, colorectal cancer, osteoporosis, and most recently, obesity. Importantly, these are diseases that disproportionately affect African Americans and other minority communities. Indeed, our clinical observations show that all patients including African Americans are more successful at weight reduction, reducing body fat over time and lowering risk of diabetes when they consistently consume lowfat dairy products as part of lifestyle modifications.

My concern, and the concern of other researchers and dieticians familiar with this subject, is that early conclusions about race and lactose intolerance have resulted in the inappropriate decline in consumption of essential nutrients naturally provided by milk. For example, in my practice I see a 26-year old with severe osteoporosis, who has bone density equivalent to an 80-year-old. This patient's parents believed her to be lactose intolerant as a youth, but in fact she has no problem consuming milk, and her osteoporosis was entirely preventable. Osteoporosis is a preventable pediatric disease with adult and geriatric consequences, and we are starting to see younger patients with this serious problem.

In summary, lactose intolerance should not be construed as dairy intolerance, or as a barrier to receiving the benefits of milk; indeed, we should encourage all children to maintain appropriate consumption of dairy products into adulthood for good health. Improved health also translates into reducing health care costs into adulthood.

As you address this issue in your deliberations of the child nutrition program, I strongly encourage you to consider the facts and the scientific literature, which clearly support milk's central role in government feeding programs and the critical role of milk in the future good health of our children and youth.



Jeanette Newton Keith, M.D.  
 Assistant Professor of Medicine  
 Attending Physician, Nutrition Support Service  
 The University of Chicago Hospitals  
 Section Gastroenterology/Clinical Nutrition



SCHOOL OF CONSUMER AND FAMILY SCIENCES

Office of the Dean

October 8, 2003

Hon. John Boehner  
 Chairman, House Committee on Education and the Workforce  
 1011 Longworth House Office Building  
 Washington, DC 20515

Dear Chairman Boehner:

An October 1st article in the Washington Post contained substantial misinformation on lactose intolerance that I want to clarify for you as you work toward appropriate diet and food policy recommendations.

The evidence is overwhelming that lactose 'intolerance' (actually having symptoms following the consumption of lactose) is uncommon, and milk can be well tolerated in reasonable doses by the vast majority of 'lactase deficient' persons. The article ignores key issues of dose, intestinal transit and colon metabolism. Lactase deficient persons are likely to have symptoms following the consumption of 24g of lactose (2 cups of milk) on an empty stomach. But one 8 ounce glass of milk with a meal appears to be well tolerated, even by people who claim to be severely lactose intolerant. Further, 'lactase-deficient' persons who regularly drink milk improve their tolerance by adapting their colon bacteria (the microbial lactase is induced). Hard cheeses have almost no lactose. They and yogurts are also very well tolerated.

The article also ignores the placebo effect. This is real, but not related to lactose intolerance except by associations that grow with columns like the one written in the Post, and advertisements by the pharmaceutical industry as they sell lactose digestive aids. There is evidence that irritable bowel syndrome may be initiated by a variety of foods including lactose. An underlying clinical disorder may be culprit for those that regularly have symptoms following the consumption of foods.

Good advice for those claiming to be lactose intolerant is to eat dairy foods with meals, limit serving size of milk to an 8 ounce glass and include hard cheeses and yogurts in your diet. The average American consumes far too little calcium. Dairy foods are really the only good source of calcium in the US diet, accounting for approximately 75% of the US intake of this key nutrient. It is also true that osteoporosis continues at epidemic rates and the evidence is growing which links osteoporosis to low calcium intakes.

I refer you to a couple of reviews of the literature:

A great classic review is by Scrimshaw and Murray (1988). *American Journal of Clinical Nutrition*, supplement volume 48, October. The entire supplement reviews the literature up to 1988.

For something more current:

Nutrient considerations in Lactose Intolerance, chapter 37. *Nutrition in the Prevention of Disease*. Savaiano et al. 2001 Academic Press

Lactose Maldigestion, Calcium Intake and Osteoporosis in African-, Asian-, and Hispanic-Americans. Jackson and Savaiano. *J American College of Nutrition*, vol. 20:2 1989S-207S (2001)

The Washington Post article has done a great disservice to the American public by publicizing inaccurate ideas that potentially put their health at risk. As we develop public policy aimed at improving the nutritional health of Americans, we owe it to our constituents to use the available scientific information to make appropriate recommendations.

Sincerely,

Dennis A. Savaiano, Ph.D.  
 Professor of Foods & Nutrition  
 Dean of Consumer and Family Sciences  
 Purdue University

**Letter from Donna Wittrock, President, American School Food Service Association, Submitted for the Record**

November 14, 2003

Honorable John Boehner, Chairman  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

Re: Committee Hearing on Child Nutrition Reauthorization

Dear Rep. Boehner:

Thank you for your continued interest and leadership on issues related to the federal child nutrition programs and the commodity food distribution program. We greatly appreciated having had the opportunity to testify at the hearing you chaired on October 7. During that hearing, Mr. Robinson Joslin, president of the Ohio Soybean Association testified regarding the availability of non-dairy milk products in school meal programs. I wish to clarify a statement Mr. Joslin made regarding the position of the American School Food Service Association on this issue.

Mr. Joslin said, "the American School Food Service Association, they represent 65,000 schools, have identified the need to include soy milk as an option, as a top priority." Mr. Joslin overstated ASFSA's position in this matter. We do, however, support making soy milk an OPTION and a supplemental sheet of lesser ASFSA positions does address soy milk as follows:

Soy milk- support legislation that would allow soy beverage to be credited as fluid milk in school meals but only if standards are established requiring that such products provide at a minimum the same nutrients as dairy milk.

If the Congress does feel it is appropriate to include soy milk, we would urge that soy beverages be made available subject to a local decision. As yet, the products available to schools are considerably more expensive than dairy milk and it would be a burden to a program where the current reimbursement rate is inadequate to meet all of the needs for providing nutritious meals to children. However, where there is sufficient demand, a school district should be allowed to offer the alternate product as part of a reimbursable school meal.

Thank you for allowing me to share these concerns with you and I would appreciate it if this letter can be included as part of the hearing record.

Sincerely,

Donna Wittrock  
President  
American School Food Service Association

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